

**IN THE EMPLOYMENT RELATIONS AUTHORITY
WELLINGTON**

[2013] NZERA Wellington 77
5362325

BETWEEN ROBYN MARIE LLOYD
 Applicant

AND AV SERVICES (1994)
 LIMITED
 Respondent

Member of Authority: G J Wood

Representatives: David Becker, for the Applicant
 No response by the Respondent

Investigation Meeting: 24 January 2013 at Wellington

Submissions Due: By 25 June 2013

Determination: 3 July 2013

COSTS DETERMINATION OF THE AUTHORITY

Employment relationship problem

[1] In my substantive determination I concluded that Ms Lloyd was unjustifiably dismissed by the respondent company (AV Services). Having been successful in this claim, Mr Becker, counsel for the applicant, seeks a contribution towards Ms Lloyd's costs of \$4,500 plus disbursements in the sum of \$782.00.

[2] No response was received from AV Services to this application.

[3] An increase on the tariff of \$3,500 per day was sought on the basis that AV Services had unnecessarily increased the applicant's costs, as it had denied her an opportunity for early resolution and narrowing of the issues.

[4] I accept that the failures by AV Services after my original costs determination on the adjournment application have increased the applicant's costs unnecessarily - for example by not attending conference calls and mediation. I therefore accept that

the sum of \$4,500 is a reasonable contribution for AV Services to make towards Mr Lloyd's costs.

[5] I do not accept the claim for disbursements for Ms Lloyd's travel, accommodation and parking costs. Ms Lloyd left her place of employment in Wellington to pursue a business opportunity, as she was entitled to do so. However, because her employment was in Wellington she would always have had to travel to Wellington to pursue her claim through the Authority, and those are not expenses that AV Services should be expected to meet. I therefore allow as disbursements only the airline ticket for her son, who was a relevant witness.

[6] I therefore order the respondent, AV Services (1994) Limited, to pay to the applicant, Ms Robyn Lloyd, the sum of \$4,500 in costs and \$166 in disbursements.

G J Wood
Member of the Employment Relations Authority