

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2013] NZERA Auckland 309
5419932

BETWEEN ATISH NATVERLAL MODI
Applicant

AND STAR FAST FOOD
SERVICES LIMITED
Respondent

Member of Authority: R A Monaghan

Representatives: A Modi in person
M Green for respondent

Investigation Meeting: 19 July 2013

Determination: 19 July 2013

DETERMINATION OF THE AUTHORITY

Employment relationship problem

[1] Star Fast Food Services Limited employed Atish Modi in the position of service manager, commencing on 1 November 2012. Mr Modi seeks the payment of monies owed to him under the parties' employment agreement.

[2] The written employment agreement provided that Mr Modi be paid at the rate of \$20 per hour, with his hours of work being 32.5 per week. Payment was to be made monthly in arrears. It was also a condition of employment that Mr Modi be reimbursed for the cost of a mobile phone, and for work-related expenses.

[3] Mr Modi received his monthly payment in November and December 2012, and January 2013. Despite repeated requests to the chief executive officer for - and promises of - payment, he was not paid for the months of February, March or April 2013. He is owed \$2,816.67 (gross) x 3 = \$8,451.

[4] Mr Modi also seeks the reimbursement of work-related expenses calculated as:

• Fuel	\$825.50
• Food	\$36.30
• Mobile phone	\$423.29
• Miscellaneous	\$45.87
• TOTAL	\$1,330.96

[5] Mr Modi provided invoices and bank statements in support, and I accept the amounts are owed.

[6] Star Fast Food Services Limited is therefore ordered to pay to Mr Modi:

- \$8,451 (gross) as unpaid wages; and
- \$1,330.96 as reimbursement of work-related expenses.

[7] Interest is payable on the above amounts, calculated as 5% pa from the date of this determination to the date of payment.

Costs

[8] Star Fast Food Services Limited is further ordered to reimburse Mr Modi for the Authority's filing fee of \$71.56.

R A Monaghan

Member of the Employment Relations Authority