

*Under the Employment Relations Act 2000*

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND OFFICE**

**BETWEEN** Aleksandra Matthyser (Applicant)  
**AND** Innovatory Technologies (NZ) Company Limited (Respondent)  
**REPRESENTATIVES** Aleksandra Matthyser In person  
No appearance for respondent  
**MEMBER OF AUTHORITY** Janet Scott  
**INVESTIGATION MEETING** 4 August 2005  
**DATE OF DETERMINATION** 4 August 2005

DETERMINATION OF THE AUTHORITY

**Employment Relationship Problem**

The applicant seeks to recover arrears of wages (\$2,692.31 gross) owed to her.

There was no appearance at the investigation meeting by or on behalf of the respondent. I am satisfied the respondent has been served with the Statement of Problem and Notice of Investigation Meeting. The meeting was delayed to allow for the situation that the respondent had been unavoidably detained. However, as there was neither an appearance for nor contact from the respondent to explain its absence I have proceeded to hear and determine the matter in accordance with Clause 12 of the Second Schedule of the Employment Relations Act 2000.

**Background**

Ms Matthyser was employed by the respondent as an Account Manager. She was engaged on a salary of \$35,000 plus commission on sales made by her. Her employment commenced on 21 February 2005. Ms Matthyser resigned her employment on 14 March 2005 and left that day. Ms Matthyser has not been paid for any of the time she worked for the respondent and she seeks to recover the four weeks salary she submits is owed to her. The applicant has made strenuous efforts to recover the wages owed.

This company has previously been recorded (in the Companies Office register) as having been in receivership. However, a search at today's date records the company remains registered. It is not currently recorded as being in receivership.

## **Determination**

I am assisted in this matter by the production of a letter, signed by the sole director of the company Li Feng, which confirms Ms Matthyser's resignation and records that she will be paid four weeks salary on 25 March 2005. The applicant presented as a most credible witness and I accept her evidence that the sum promised to her has not been paid.

The respondent is therefore directed to pay to the applicant the sum of \$2,692.31 gross as arrears of wages owing.

The applicant is entitled to recover the costs associated with bringing her claim. I direct the respondent to pay to the applicant the sum of \$70 to reimburse her for the cost of the filing fee she incurred in bringing this matter to the Authority.

## **Summary of Orders**

**The respondent is directed to pay to the applicant the sum of \$2692.61 gross and \$70 net. Payment is to be made immediately.**

Janet Scott  
Member of Employment Relations Authority