

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

**AA 280/09
5131748**

BETWEEN NEVILLE MONAGHAN
 Applicant

AND KARAKA GROUP LIMITED (IN REC)
 Respondent

Member of Authority: Leon Robinson

Representatives: Applicant In Person
 No appearance by Respondent

Investigation Meeting: 14 August 2009

Determination: 14 August 2009

DETERMINATION OF THE AUTHORITY

The problem

[1] The applicant Mr Neville Monaghan ("Mr Monaghan") claims he is owed a bonus of \$5,000.00 by his former employer Karaka Group Limited ("KGL"). KGL is in receivership and receivers have been appointed in respect of certain of the Company's livestock, progeny and proceeds, both present and future.

[2] The notice of today's investigation meeting was served on the receivers and KGL at its registered office. There was no appearance today by either KGL or the receivers.

[3] The receivers advised the Authority of their understanding that KGL did not employ any staff and that another entity did. They advised they would not attend the investigation meeting scheduled today.

[4] KGL shareholder and director Mr Michael Tololi ("Mr Tololi") has advised the Authority that attending today is "a waste of time" because he is not disputing the "\$2,500 owed".

[5] It is for this Authority to determine substantive issues within its exclusive jurisdiction. I did not accept that either KGL or the receivers had shown good cause for their non-attendance today. I proceeded to act as fully in the matter as if they had attended.

The facts

[6] KGL lodged a statement in reply dated 28 August 2008 accepting its status as the respondent to Mr Monaghan's claim and additionally pleading that as the employer, no bonus was promised. On the basis of that pleading and Mr Monaghan's evidence today, I find that KGL was Mr Monaghan's employer.

[7] Mr Monaghan was employed as Property and Yearling Manager. In March 2007, KGL shareholder and director Mr Tololi agreed to pay to Mr Monaghan a bonus of \$5,000.00 on 1 May 2007 ("the bonus"). The bonus was entirely gratuitous and was not subject to any qualifying criteria.

[8] The bonus was not paid to Mr Monaghan on 1 May 2007.

[9] Mr Monaghan has made demand of KGL for payment of the bonus.

[10] Mr Tololi has admitted liability to Mr Monaghan.

[11] KGL has failed to pay the bonus to Mr Monaghan.

The merits

[12] I determine that Karaka Group Limited owes Mr Monaghan the gross sum of \$5,000.00 as a bonus.

The determination

[13] **I order Karaka Group Limited to pay to Neville Monaghan the gross sum of \$5,000.00 as arrears of wages.**

The costs

[14] Mr Monaghan shall be reimbursed the lodgement fee on this application. **I order Karaka Group Limited to pay to Neville Monaghan the sum of \$70.00 being the lodgement fee on this application.**

[15] Any certificate of decision issued in respect of this Determination must be immediately served on Karaka Group Limited and the said receivers.

Leon Robinson
Member of Employment Relations Authority