

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

AA 389/09
5272109

BETWEEN

ALEX NEWENHAM
First Applicant

And

JAMES WELLS
Second Applicant

AND

OCIS NEW ZEALAND LTD
Respondent

Member of Authority: Dzintra King

Representatives: John Minto, Advocate for Applicants
Jo Douglas, Counsel] for Respondent

Investigation Meeting: 4 November 2009

Determination: 4 November 2009

DETERMINATION OF THE AUTHORITY

Employment Relationship Problem

[1] On the day of the hearing the applicants' representative informed the Authority and the respondent that the applicants were not available as they had university exam commitments.

[2] The respondent asked that the matter be dismissed and costs be awarded.

[3] I asked Mr Minto when the applicants had been communicated with regarding the hearing. He told me he had informed them of the date after the conference setting the matter down, then had texted them a week ago and finally telephoned them yesterday. He asked that the proceedings be adjourned until 1pm. However, Mr Minto could not guarantee that the applicants would be available at 1pm.

[4] In the circumstances, as the applicants did not attend and did not make an adjournment application, I dismiss the proceedings.

[5] The respondent should file a costs memorandum within 28 days. The applicant should reply to the memorandum within 14 days of receipt of the memorandum.

Dzintra King

Member of the Employment Relations Authority