

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

**AA 55/09
5129670**

BETWEEN JEANETTE RANBY
 Applicant

AND SIMPLY STITCHES LIMITED
 Respondent

Member of Authority: Leon Robinson

Representatives: Applicant In Person
 No appearance by Respondent

Investigation Meeting: 18 February 2009

Determination: 18 February 2009

DETERMINATION OF THE AUTHORITY

The application

[1] The applicant Mrs Jeanette Ranby ("Mrs Ranby") claims outstanding wages and holiday pay as arrears of wages from her former employer Simply Stitches Limited ("Simply Stitches").

[2] By Minute dated 16 January 2009 I directed the application proceed to investigation meeting today and also, that Simply Stitches provide its wage and time record to the Authority within 14 days. At the investigation meeting today, Simply Stitches did not attend and nor has it provided the wage and time requested it was directed to provide. I telephoned Simply Stitches director Ms Carol Brown ("Ms Brown") but her telephone was not answered. I have proceeded to deal with the matter as fully as if Simply Stitches had attended. Mrs Ranby's evidence is unchallenged.

The facts

[3] Mrs Ranby commenced employment with Simply Stitches in February 2007. She was mostly employed for two days per week at \$15.00 per hour.

[4] Mrs Ranby was not paid wages due to her for the final two weeks of work in March 2008 and a further four hours tutoring work in May 2008.

[5] Mrs Ranby is also owed holiday pay.

The merits

[6] Ms Brown has provided the Authority with correspondence admitting liability to Mrs Ranby. The last correspondence is dated 27 January 2009 advising that "payment should be made to Mrs Ranby by mid February 2009". Mrs Ranby confirms to the Authority today that she has not been paid.

[7] Mrs Ranby's evidence is unchallenged. I calculated the outstanding wage arrears with Mrs Ranby's agreement as gross \$1,225.00 (being two weeks wages of \$1,125.00 and four hours tutoring of \$100.00). I calculated holiday pay outstanding as a sum greater than Mrs Ranby's accountant but she is content for the gross amount of \$627.12 to constitute the holiday pay claim.

The determination

[8] As Mrs Ranby's evidence is not challenged, I accept her evidence. I determine that Mrs Ranby is owed arrears of wages by Simply Stitches Limited in the total gross sum of \$1,852.12. **I order Simply Stitches Limited to pay to Jeanette Ranby the gross sum of \$1,852.12 being arrears of wages.**

Leon Robinson
Member of Employment Relations Authority