

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
WELLINGTON**

[2012] NZERA Wellington 87  
5363378

BETWEEN CINDY SOO  
Applicant

A N D AUTOGLAS-STIEGER LEVIN  
LIMITED  
Respondent

Member of Authority: Paul Stapp

Representatives: Russell Ward, for the Applicant  
Franz Stieger, for the Respondent

Investigation Meeting: 26 July 2012 at Palmerston North

Date of Determination: 1 August 2012

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**DETERMINATION OF THE AUTHORITY**

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**Employment relationship problem**

[1] This determination deals with one issue in regard to an employment relationship problem lodged in the Employment Relations Authority by the applicant, Cindy Soo. Ms Soo claims that she is owed \$720 wages and \$967.68 holiday pay from Autoglas-Stieger Levin Limited (Autoglas Levin).

[2] I have decided to deal with this issue separately from the remaining issues in the employment relationship problem because I indicated at the investigation meeting that I would make an order immediately, because Ms Soo has proved that she is owed the money as claimed. It also provides both parties with certainty quickly on the issue. Mr Stieger accepts that these sums are owed to Ms Soo by Autoglas-Stieger Levin Limited.

**The Facts**

[3] Cindy Soo's employment with Autoglas-Stieger Levin Limited ceased on 7 October 2011 after she had worked out her notice. She is owed \$720 wages and \$967.68 holiday pay. She proved that the sums are owed having regard to the wages time and holiday record. She referred to a payslip. While it was not produced in the prearranged documents for the hearing she was able to refer to it from her emails on her phone at the investigation meeting. It has subsequently been provided for the record. Mr Stieger says that the total sum has not been paid because the company is not trading.

**Determination**

[4] I hold that Mr Stieger has not been able to prove to me that Autoglas-Stieger Levin Limited will not be able to pay the amounts owing to Cindy Soo at some time in the future. This is because the company is still registered. There is no evidence of any attempt to put the company into liquidation. There are bank accounts and a profit and loss statement that show some activity, thus suggesting that the company may be able to pay.

[5] Ms Soo is entitled to the amounts that she has claimed and should have been paid when her employment ceased on 7 October 2011. Autoglas-Stieger Levin Limited owes Cindy Soo \$720 wages and \$967.68 holiday pay.

[6] Ms Soo requested costs at the hearing. I have reserved costs to be dealt with after the next determination

**Order of the Authority**

[7] Autoglas-Stieger-Levin Limited is to pay Cindy Soo \$720 wages and \$967.68 holiday pay.

[8] Costs are reserved.

[9] A further determination will be issued on the remaining matters in the employment relationship problem in due course.

P R Stapp  
Member of the Employment Relations Authority