



# New Zealand Employment Relations Authority Decisions

You are here: [NZLII](#) >> [Databases](#) >> [New Zealand Employment Relations Authority Decisions](#) >> [2010](#) >> [2010] NZERA 717

[Database Search](#) | [Name Search](#) | [Recent Decisions](#) | [Noteup](#) | [LawCite](#) | [Download](#) | [Help](#)

---

## Samuels v Lewis Equipment Company Limited AA215B/10 (Auckland) [2010] NZERA 717 (6 September 2010)

Last Updated: 11 November 2010

IN THE EMPLOYMENT RELATIONS AUTHORITY AUCKLAND

AA 215B/10 5149640

BETWEEN KEN SAMUELS

Applicant

AND LEWIS EQUIPMENT

COMPANY LIMITED Respondent

Member of Authority: Dzintra King

Submissions received: 7 July 2010 from Applicant

No submissions from Respondent

Determination: 6 September 2010

### DETERMINATION OF THE AUTHORITY

#### Employment Relationship Problem

[1] Having determined the substantive matter (AA 215/10) I directed the parties to agree on the quantum of the applicant's lost earnings for the three month period following the dismissal

[2] The parties have not been able to agree.

[3] The applicant is entitled to three months' lost earnings for the period between 10 October 2008 and 9 January 2009, less any earnings received during that period.

[4] I have received nothing from the respondent to indicate that there is any disagreement with the amounts being claimed by the applicant. His earnings for the three month period would have been \$25,532 gross plus a \$10,205 tool allowance, tax free.

[5] From his gross earnings the sum of AUD 15,506.23 is to be deducted. In NZD this equates to \$17,749.04 gross based on an exchange rate of \$NZD 1.17 to the Australian dollar at the time of the commencement of employment in Australia.

[6] The total amount owing is NZD 7,782.96 gross and NZD 10,205 tax free.

[7] The applicant has also sought the payment of holiday pay on the three months' reimbursement. Holiday pay is payable up until the date of termination.

[8] The respondent is to pay the above amounts to the applicant.

Dzintra King

Member of the Employment Relations Authority

