

**IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH**

CA 86/10
5297785

BETWEEN GUY THOMAS
 Applicant

AND DRH (TASMAN) LIMITED
 Respondent

Member of Authority: Philip Cheyne

Representatives: Guy Thomas, the Applicant in person
 Amanda Vollmer, advocate for Respondent

Determination: 9 April 2010

DETERMINATION OF THE AUTHORITY

[1] Mr Thomas worked for DRH (Tasman) Limited. He was not paid his final pay when he resigned in February 2010. By this application he seeks judgment against his former employer for the sum owed plus costs and interest. In its reply the company says that it does not dispute the matter and intends to make full payment by 20th April 2010. Mr Thomas nonetheless seeks a determination since a previous promise for payment by a fixed date was not honoured. It appears that he intends to take enforcement action for which he first needs judgment.

[2] On 31 March 2010 I issued a minute to both parties explaining that I would issue a determination without convening an investigation meeting unless either party for good reason sought further investigation into the matter. The only response received by the Authority was a copy of an email from Mr Thomas to one of the company directors and a reply that is critical of the comment made by Mr Thomas in his email. The relevant aspect of these communications is the confirmation from the company that the debt is not disputed.

[3] Accordingly I order DRH (Tasman) Limited to pay to Mr Thomas arrears of wages and holiday pay of \$8,269.39.

[4] Mr Thomas also seeks costs of \$120.00 and interest at 20% per annum.

[5] The only legal cost which Mr Thomas must have incurred is the lodgement fee of \$70.00. There is no explanation for other costs. I order DRH (Tasman) Limited to pay Mr Thomas costs of \$70.00.

[6] The Authority's power to award interest is provided by clause 11 of the 2nd schedule to the Employment Relations Act 2000. That limits interest to the 90 day bill rate at the date of the order plus 2%. Accordingly I order DRH (Tasman) Limited to pay interest on the arrears of wages and holiday pay at the rate of 4.5% per annum commencing on 23 February 2010, until the arrears are paid in full.

Philip Cheyne
Member of the Employment Relations Authority