

*Under the Employment Relations Act 2000*

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY  
CHRISTCHURCH OFFICE**

**BETWEEN** Jason Wealleans (Applicant)  
**AND** Christchurch Collision Repairs Limited (Respondent)  
**REPRESENTATIVES** No appearance for Applicant  
Philip James, Counsel for Respondent  
**MEMBER OF AUTHORITY** Paul Montgomery  
**INVESTIGATION MEETING** 12 April 2006  
**DATE OF DETERMINATION** 12 April 2006

**DETERMINATION OF THE AUTHORITY**

***Introduction***

[1] The applicant lodged a personal grievance with the Authority on 16 November 2005 by his advocate, Mr Paul Brown, and sought mediation. The matter proceeded to mediation on 21 December 2005 but remained unresolved.

[2] During a telephone conference on 17 February 2006, the investigation meeting was set down for 12 April 2006 and the applicant was directed to lodge and serve his statements of evidence by 4.00 pm, Thursday 16 March 2006.

[3] On 23 March 2006 Mr Brown advised the support officer that he was no longer representing Mr Wealleans. No statements of evidence were received by the Authority in spite of messages being left by the support officer on the applicant's cellphone.

***The investigation meeting***

[4] The Authority, having delayed the investigation meeting by 10 minutes, met with Mr James and two representatives of the respondent company. The applicant had not arrived. Mr James made an oral application to have the matter struck out and sought an order for costs.

***Determination***

[5] I have studied the documents on the file and I am satisfied the applicant was appropriately notified of the time, date and location of the Authority's investigation meeting and of the possible consequences should he not attend. I am reassured by the messages left by the support officer on the applicant's voicemail on 30 March and 3 April 2006, to which no response was received.

[6] I order the matter to be struck out and confirm the Authority has ceased to investigate this matter.

*Costs*

[7] The respondent has been put to expense in preparing to defend itself. The costs largely involve the preparation of a statement in reply and in counsel's time as no statements of evidence or submissions were required.

[8] In the circumstances I think it just to award the respondent the sum of \$650.00 as a contribution to its reasonably incurred costs.

[9] I order Jason Wealleans to pay the sum of \$650.00 to Christchurch Collision Repairs Limited.

Paul Montgomery  
Member of Employment Relations Authority