

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

AA 419/09  
5164680

BETWEEN                      CHARLOTTE ADAMS  
   Applicant  
  
AND                                BFS AUCKLAND LIMITED  
   Respondent

Member of Authority:        Marija Urlich  
  
Representatives:              Applicant, In person  
   Gillian and Howard Moore, for Respondent  
  
Investigation Meeting:        24 November 2009  
  
Determination:                24 November 2009

---

**DETERMINATION OF THE AUTHORITY**

---

[1]     Ms Adams worked as the general manager of the respondent's restaurant from September 2006 until April 2008 when the restaurant closed and she was made redundant. Her final pay was calculated at \$7,934.10 and comprised holiday pay and redundancy notice entitlements.

[2]     In May 2008 the parties entered a schedule to repay this sum in 36 monthly payments of \$220.39 payments to commence on 20 August 2008.

[3]     The last payment Ms Adams received per the schedule (or any other payment of the outstanding sum) was January 2009. She seeks orders requiring BFS Auckland pay the outstanding sum.

[4]     BFS Auckland Limited does not dispute the outstanding sum is due and owing Ms Adams. Mrs Moore, a director of the respondent company, told the Authority the company has no funds on which to settle Ms Adams' claim.

## **Wage Arrears**

[5] I am satisfied BFS Auckland Limited owes Ms Adams the sum of \$6611.76 and that that sum is made up of monies due and owing to Ms Adams under the terms of the parties' employment agreement.

[6] **BFS Auckland Limited is ordered to pay Charlotte Adams \$6611.76 in wage arrears pursuant to section 131 of the Employment Relations Act 2000.**

## **Costs**

[7] Ms Adams' is entitled to repayment of the filing fee incurred in lodging this application.

[8] **BFS Auckland Limited is ordered to pay Charlotte Adams \$70 by way of costs.**

Marija Urlich

Member of the Employment Relations Authority