

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

**AA 183/08
5119724**

BETWEEN MICHELLE YVONNE ALLEN
 Applicant

AND AUTOMAG LIMITED
 Respondent

Member of Authority: Leon Robinson

Representatives: Applicant In Person
 No Appearance for Respondent

Investigation Meeting: 15 May 2008

Determination: 20 May 2008

DETERMINATION OF THE AUTHORITY

The problem

[1] The applicant Ms Michelle Yvonne Allen (“Ms Allen”) applies to the Authority to recover arrears of wages and monies owing to her for expenses incurred by her in the course of her duties.

[2] Ms Allen's application lodged in the Authority on 28 March 2008 was served on the respondent Automag Limited ("Automag") on 31 March 2008. Automag did not lodge a statement in reply and as a result the application is not defended. Automag has taken no steps in the matter. Having regard to these two matters, I set the application down for investigation meeting at Whangarei on 15 May 2008.

[3] Automag did not attend the investigation meeting at Whangarei on 15 May 2008. I attempted to contact Automag's director at Automag's place of business but she was not present when I called. Her mobile telephone was switched off when I called. I was satisfied that Automag had not shown good reason not to attend the

scheduled investigation meeting. As a result and in accordance with the prescribed regulations, I proceeded to act as fully in the matter as if Automag had attended.

[4] I am satisfied the notice of investigation meeting was served on Automag on 30 April 2008. Automag did not attend the investigation meeting to seek the Authority's leave. Accordingly, the matter remains undefended and Ms Allen's affirmed evidence is unchallenged.

The resolution

[5] Ms Allen commenced employment with Automag in January 2008 as a sales representative. She was paid a fortnightly salary but was not paid after the third salary instalment was due to her. I am satisfied that she is owed two months salary in the gross sum of \$6,923.07. **I order Automag Limited to pay to Michelle Yvonne Allen the gross sum of \$6,923.07 as arrears of wages.**

[6] I am satisfied that Ms Allen has incurred expenses during the course of her employment for which she is entitled to be reimbursed according to the terms of her employment.

[7] Firstly, there is a sum owing to her in respect of a Vodafone mobile phone in the sum of \$1,157.21. **I order Automag Limited to pay to Michelle Yvonne Allen the sum of \$1,157.21 as reimbursement for her mobile phone costs.**

[8] Next, there is a sum owing by Ms Allen to Northern Publishing Limited in respect of The Northern Advocate in the amount of \$1,353.48. **I order Automag Limited to pay to Michelle Yvonne Allen the sum of \$1,353.48 in reimbursement of a debt to Northern Publishing Limited.**

[9] Then there is a sum owing for Ms Allen's vehicle fuel in the amount of \$240.00. **I order Automag Limited to pay to Michelle Yvonne Allen the sum of \$240.00 in reimbursement of her vehicle fuel expenses.**

[10] Finally, there is holiday pay owing to Ms Allen. I calculate the sum owing as 8% of one quarter of her annual salary in the gross amount of \$900.00. **I order Automag Limited to pay to Michelle Yvonne Allen the gross sum of \$900.00 as holiday pay.**

[11] I am not persuaded of the basis for reimbursement to Ms Allen of an amount deducted in respect of the Kiwi Saver scheme. I therefore decline to make any order in respect of this sum.

Costs

[12] Ms Allen is entitled to have her lodgement fee reimbursed to her. **I order Automag Limited to pay to Michelle Yvonne Allen the sum of \$70.00 being the lodgement fee on this application.**

Leon Robinson
Member of Employment Relations Authority

SUMMARY OF ORDERS

Automag Limited is ordered to pay to Michelle Yvonne Allen:-

- (i) the gross sum of \$6,923.07 as arrears of wages;**
- (ii) the sum of \$1,157.21 as reimbursement for mobile phone costs;**
- (iii) the sum of \$1,353.48 in reimbursement of a debt to Northern Publishing Limited;**
- (iv) the sum of \$240.00 in reimbursement of vehicle fuel expenses;**
- (v) the gross sum of \$900.00 as holiday pay; &**
- (vi) the sum of \$70.00 being the lodgement fee on this application.**