

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2011] NZERA Auckland 456
5140758

BETWEEN MARGARET ANN
ANDREASSEN
Applicant

AND TREVOR SWANN
Respondent

Member of Authority: Dzintra King
Representatives: Bill Nabney, Counsel for Applicant
Respondent In Person
Investigation Meeting: 10 October 2011
Additional Evidence Received: 19 October 2011
Determination: 21 October 2011

DETERMINATION OF THE AUTHORITY

Employment Relationship Problem

[1] The applicant, Ms Margaret Andreassen, says she has been unjustifiably dismissed by the respondent, Mr Trevor Swann.

[2] Mr Swann did not file a Statement in Reply.

[3] Mr Swann accepted that he was Ms Andreassen's employer and that he had unjustifiably dismissed her.

[4] He indicated he had financial problems and was possibly facing bankruptcy. He said if he had the money he would willingly pay Ms Andreassen.

[5] The dismissal was unjustified. Ms Andreassen was told to change her hours of work and given a note terminating her employment.

[6] Ms Andreassen was employed on a full time basis at the rate of \$612.00 per week. On 3 September 2008 Ms Andreassen was told her services would not be required after 27 August 2008.

[7] Three months' wages totals \$7,956.00. Ms Andreassen obtained employment on 5 October 2008 and worked until 19 April 2009. Her income for the three month period was \$3152.41. Deducting this income from what she would earned gives a total of \$4,803.95. The respondent is to pay this sum to the applicant.

[8] Ms Andreassen seeks compensation for furniture removal costs of \$2,000 and compensation for the rent she was required to pay after her eviction at the rate of \$250 per week for three months.

[9] I am unable to award compensation for removal costs or subsequent rent payments.

[10] She seeks compensation for humiliation and distress of \$15,000. I am satisfied that Ms Andreassen was upset and humiliated by her dismissal. The respondent is to pay the applicant the sum of \$4,000 pursuant to s 123 (1) (c) (i).

Costs

[11] Costs are reserved. The applicant is to file a memorandum within 28 days of the date of this determination. The respondent should file a memorandum in reply within 14 days of receipt of the applicant's memorandum.

Dzintra King

Member of the Employment Relations Authority