



*investigation meeting, the Authority may, without obtaining any further information in relation to the problem, issue a determination in favour of the applicant.”*

[4] At the meeting the Authority questioned Mr Brom about his application. He denied committing any of the actions his employer had claimed as grounds for his dismissal. The company, being absent from the meeting, had not placed itself in a position to be able to refute any of the evidence given by Mr Brom about the circumstances that had led to his dismissal on 7 May 2008.

### **Determination**

[5] As permitted by Form 6 of the Employment Relations Authority Regulations 2000, I determine the employment relationship problem in Mr Brom’s favour. I find that his dismissal was unjustified and that he is entitled to the remedies claimed by him.

[6] The non-attendance of the company has also prevented the Authority from hearing any claim by it that Mr Brom must share some of the blame in relation to the situation that gave rise to his personal grievance. He admits having no part in the acts or omissions the company apparently considered him guilty of. Therefore the remedies must be awarded without any deduction for contributory fault.

[7] I am satisfied that the actual loss of wages on the part of Mr Brom in the three month period following his dismissal, allowing for earnings he did receive in that time, was \$7,530.00. The company is ordered to pay that sum pursuant to s 128 of the Employment Relations Act 2000.

[8] Further I am satisfied that Mr Brom was humiliated, his self esteem was damaged and he became stressed and anxious as a result of his unjustified dismissal. For that I award \$4,500.00 as compensation under s 123(1)(c)(i) of the Act.

[9] I reject the claim for costs at what Mr Flaws called a “*tariff*” level of \$2,500 per day. This case had been notified from early on as being one where the respondent did not intend taking any steps and therefore, bearing in mind the consequences of that as outlined in Form 6 of the Regulations, there was no need for full-scale preparation of the case for investigation, also bearing in mind that the Authority has the overall obligation to conduct any investigation.

[10] I award \$450 costs and also \$70 to reimburse Mr Brom the fee for commencing the investigation. The company is ordered to pay those amounts in addition to lost wages and compensation.

A Dumbleton  
**Member of the Employment Relations Authority**