

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

[2017] NZERA Auckland 249  
3001531

BETWEEN EDWARD JOHN BOOTH  
Applicant

A N D COBB GROUP LIMITED  
Respondent

Member of Authority: Rachel Larmer

Representatives: Megan Leaf, Counsel for Applicant  
Mark Beech and Tim Conder, Counsel for Respondent

Investigation Meeting: 15 August 2017 at  
Tauranga

Date of Determination: 23 August 2017

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**CONSENT DETERMINATION OF THE EMPLOYMENT RELATIONS  
AUTHORITY**

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**Employment relationship problem**

[1] During the Authority's investigation meeting Cobb Group Limited (Cobb) acknowledged that it had unjustifiably dismissed Mr Booth, who Cobb Group at that time incorrectly believed was a fixed term employee.

[2] After investigating remedies the Authority gave an oral indication of the outcome of Mr Booth's remedies claim. As a result of that indication the parties have now agreed that the Authority should issue a consent determination.

[3] Within 28 days of the date of this determination Cobb Group is ordered to pay Mr Booth:

- a. \$13,846.08 being 16 weeks' lost remuneration;
- b. \$15,000 distress compensation under s.123(1)(c)(i) of the Employment Relations Act 2000 (the Act);

- c. \$4,500 towards his legal costs;
- d. \$71.56 to reimburse his filing fee.

**Rachel Larmer**  
**Member of the Employment Relations Authority**