

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH OFFICE**

BETWEEN Dennis Davey & Nancye Edwards (Applicant)
AND John Payne (Respondent)
REPRESENTATIVES No appearance for Applicant
John Payne (in person)
MEMBER OF AUTHORITY Paul Montgomery
INVESTIGATION MEETING 6 July 2005
DATE OF DETERMINATION 8 July 2005

DETERMINATION OF THE AUTHORITY

[1] At the scheduled time for beginning the investigation meeting the respondent and his witness were present. The applicants were not. To allow for any unexpected event which may have delayed the applicants, I allowed 20 minutes before deciding the investigation meeting could not proceed.

Background details

[2] On 2 June 2005 a teleconference was held with both applicants and respondent participating. The date, time and location of the investigation was established in the course of that conference call and a notice of direction and a notice of investigation meeting were couriered to both parties confirming the arrangements made.

[3] The documents for the applicants were returned marked *gone no address*. Subsequently, the support officer telephoned Mr Davey on 20 June 2005 leaving a message on his cell phone voicemail to contact her with his mailing address. As she had had no response to this message the support officer rang again on 23 June 2005 and again left a message asking that Mr Davey contact her. He failed to do so.

[4] On 27 June 2005 I asked the support officer to ring Mr Davey, and if she was unable to speak with him to inform him of the time, date and place of the investigation meeting and also to read the note from the notice of investigation meeting setting out the possible consequences should the applicants not appear at the meeting. Her file note of 27 June 2005 confirms this was done.

[5] The applicants failed to appear to prosecute their claims against Mr Payne. I am satisfied that the applicants were actually informed of the date, time and location of the investigation meeting and have chosen not to appear. Prior to dismissing the respondent and his witness, I contacted the support officer in Christchurch to ask whether any contact had been made with the Christchurch office by the applicants. She confirmed that there had been no contact from the applicants.

Determination

[6] The applicants, having lodged an application with the Authority and participated in a teleconference with me and the respondent, which teleconference set out the details of the investigation meeting, despite messages left on Mr Davey's cell phone to confirm these details and advise of the possible consequences should they not appear, have failed to appear.

[7] The application is struck out for want of prosecution.

[8] I make no order for costs as the respondent was representing himself.

Paul Montgomery
Member of Employment Relations Authority