

*Under the Employment Relations Act 2000*

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND OFFICE**

**BETWEEN** Alvin H Gelling (Applicant)  
**AND** Jeremy Appleby (Respondent)  
**REPRESENTATIVES** Alvin H Gelling In person  
Jeremy Appleby In Person  
**MEMBER OF AUTHORITY** R A Monaghan  
**INVESTIGATION MEETING** 12 October 2005  
**DATE OF DETERMINATION** 12 October 2005

**DETERMINATION OF THE AUTHORITY**

[1] Jeremy Appleby employed Alvin Gelling as a truck driver. Mr Gelling says Mr Appleby owes him the following payments:

- (a) reimbursement of \$78.75, being the cost of a truck mirror;
- (b) reimbursement of \$189.98, being the cost of a fax machine and rolls of fax paper;
- (c) unpaid wages of 26 hours at \$16 per hour;
- (d) holiday pay; and
- (e) the costs of this application

[2] Mr Gelling replaced the mirror of the truck he drove at his own expense, following an accident in which the existing mirror was broken. He replaced the mirror immediately so he could continue to drive the truck.

[3] Mr Gelling purchased the fax machine because Mr Appleby had asked Mr Gelling to submit his work-related documentation by fax. Mr Gelling already had a fax machine, but it was not fully functional. I do not accept that those circumstances amounted to an agreement that Mr Gelling purchase a fax machine and be reimbursed for it. In the absence of an agreement to that effect Mr Gelling was not entitled to purchase a fax and be reimbursed for it. The same goes for his claim for reimbursement for the cost of fax paper. I decline those claims.

[4] It was common ground that Mr Gelling is owed the unpaid wages and holiday pay sought, and nor were the amounts disputed. They are \$416 (gross) in respect of the wages and \$620.44 (gross) in respect of the holiday pay.

[5] Mr Gelling is entitled to be reimbursed for the \$70 fee for filing his application in the Authority.

[6] During the investigation meeting the parties agreed on a timetable for payment. The effect of the above findings is that Mr Appleby owes Mr Gelling  $\$78.75 + \$416 + \$620.44 + \$70 = \$1,185.19$ . In accordance with the agreed timetable, and subject to the necessary adjustments for tax on the unpaid wages and holiday pay, Mr Appleby is ordered to pay to Mr Gelling:

- (a) one half of the amount owed, being the gross equivalent of \$592.60, by the close of business on Friday 28 October 2005; and
- (b) one half of the amount owed, being the gross equivalent of \$592.59, by the close of business on Friday 25 November 2005.

**R A Monaghan**  
**Member, Employment Relations Authority**