

*Under the Employment Relations Act 2000*

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND OFFICE**

**BETWEEN** Christine Anne Gibbons  
**AND** Jennifer Simpson t/a Jaycey's Laundry  
**REPRESENTATIVES** Ross France for applicant  
Jennifer Simpson in person for respondent  
**MEMBER OF AUTHORITY** Janet Scott  
**INVESTIGATION MEETING** 28 August 2006  
**DATE OF DETERMINATION** 29 August 2006

**DETERMINATION OF THE AUTHORITY**

**Employment Relationship Problem**

The applicant seeks an order of the Authority directing the respondent to pay monies owing to the applicant pursuant to a s.149 settlement agreement.

The respondent did not dispute monies are owed to the applicant pursuant to the settlement agreement between them.

**Background**

On 2 August the parties agreed on terms of settlement to resolve an employment relationship problem between them. Under that agreement the respondent was to pay the applicant two equal instalments of \$3500 on 2 September and 2 October 2005.

In the event the respondent made a number of payments and by 15 March 2006 had paid only \$2700. The applicant lodged a claim with the Authority seeking an order that the respondent pay the outstanding sum payable of \$4300. An order for interest and costs was also sought.

**Discussion**

It was revealed on the day of hearing that since the application was lodged the respondent has continued to make payments towards the settlement sum of \$7000. At the date of hearing the remaining sum to be paid was \$750. The respondent paid that sum in cash to the applicant at the hearing.

The only matter outstanding relates to the matter of costs. Counsel for the applicant requested payment of costs in the sum of \$216.81 being the costs associated with using a process server and the application fee. No costs were sought for Mr France's time in the matter.

## **Determination**

The substantive problem between the parties has been fully resolved between them. The respondent is commended for concluding the matter.

However, the applicant has incurred costs in bringing the matter to the Authority which would not have been necessary if the respondent had abided by the original agreement reached. The costs sought are reasonable in all the circumstances.

***I therefore direct the respondent to pay directly to Mr France the sum of \$216.81 to compensate for costs incurred in bringing the matter before the Authority. Payment is to be made by Friday 29 September 2006 to Ross France, 28 Davies Ave, L2, Manukau, Auckland.***

Janet Scott  
Member of Employment Relations Authority