

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2012] NZERA Auckland 163
5375783

BETWEEN MORGAN GOLDER
 Applicant

AND JAMOR HOLDINGS LIMITED
 Respondent

Member of Authority: Rachel Larmer

Representatives: Applicant in person
 Adrian Price, director of Respondent

Investigation Meeting: On the papers

Determination: 15 May 2012

DETERMINATION OF THE AUTHORITY

**A Jamor Holdings Limited is ordered to pay Ms Morgan Golder
\$3571.56 within 28 days of the date of this determination.**

[1] Ms Morgan Golder applied to the Authority for a compliance order on 28 March 2012 and her application was served on Jamor Holdings Limited (Jamor).

[2] Jamor did not file a statement in reply. Nor did it seek leave to file a statement in reply out of time. However, Mr Price¹ advised the Authority in an email on 01 May 2012 that the Inland Revenue Department (IRD) had filed a liquidation notice against Jamor which would be heard in the High Court² at 10am on 31 May 2012.

[3] Mr Price also forwarded the Authority a copy of an email he had received from his accountant Alan Clake on 26 April 2012 in which Mr Price was advised that Mr Clarke could not think of a defence to the liquidation proceedings given IRD was seeking to recover \$164,000 from Jamor.

¹ Jamor's sole director and 50% shareholder.

² I presumed at Auckland

[4] An investigation meeting was originally set down for 16 May 2012 and a Notice of Hearing was served on both parties. Mr Price advised the Authority in writing on 2 May that the respondent would not be attending the investigation meeting.

[5] Ms Golder lives outside of Auckland and it was inconvenient and expensive for her to attend an investigation meeting. Because the respondent was not defending Ms Golder's claim and would not be appearing before the Authority, Ms Golder was given the option of filing affidavit evidence to avoid the time and expense of attending in person.

[6] Ms Golder's affidavit was filed with the Authority on 11 May and served on Mr Price that same day. Mr Price was also advised that the Authority would be dealing with the claim on the papers and he was invited to provide any information he wanted the Authority to take into account before issuing its determination. Mr Price advised by email on 14 May that he had nothing further to add to his previous communications with the Authority.

[7] Ms Golder's affidavit evidence was unchallenged. I accept that Ms Golder;

- a. has not received any of the money she was awarded for her successful dismissal grievance claim;
- b. has taken a number of unsuccessful steps to obtain payment from Jamor.

[8] I have no information before me about Jamor's financial situation other than the fact that IRD has applied to liquidate the company over an apparent six figure debt and that Jamor's accountant does appear not see merit in defending that application. However, who knows what may occur between now and 31 May 2012.

[9] I am satisfied that Jamor is unlikely to pay Ms Golder voluntarily, so I consider a compliance order is appropriate. I find that Jamor's ability or otherwise to pay Ms Golder what she is owed is a matter which she can pursue subsequent to this determination.

[10] Accordingly, Jamor is ordered to comply with the Authority's substantive determination under [2011] NZERA Auckland 228 by paying the Ms Golder \$3571.56 she was awarded within 28 days of the date of this determination.

[11] Ms Golder was self represented so there is no issue as to costs.

Rachel Larmer
Member of the Employment Relations Authority