

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
WELLINGTON**

**I TE RATONGA AHUMANA TAIMAHI  
TE WHANGANUI A TARA ROHE**

[2025] NZERA 341  
3339460

BETWEEN JOSHUA GRAHAM  
Applicant

AND PRECISION LAWN  
MOWING LIMITED  
Respondent

Member of Authority: Sarah Kennedy-Martin

Representatives: No appearance for the Applicant  
Alex Meyer and Zelda Tope counsel for the Respondent

Investigation Meeting: 13 June 2025 by AVL

Determination: 16 June 2025

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**DETERMINATION OF THE AUTHORITY**

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**Employment Relationship Problem**

[1] Mr Graham was employed by Precision Lawn Mowing Limited (PLML) from 18 September 2023 until his dismissal on 7 May 2024. Due to the business closing down Mr Graham was advised by the company his position would become redundant and his employment would end on 24 May 2024.

[2] PLML said Mr Graham was made redundant due to genuine commercial reasons because it suffering financial loss and consequently was technically insolvent. It says a proper process was followed in relation to redundancy and at all times PLML acted in good faith and as a fair and reasonable employer could have in the circumstances.

[3] On 19 May 2025, Sacked Kiwi advised it had been unable to make contact with Mr Graham and said it no longer had instructions to act. Multiple attempts were made to contact with Mr Graham but he did not respond.

[4] The investigation meeting on 6 June 2025 was ultimately adjourned because there had been no communications from Mr Graham. An urgent case management call (CMC) was arranged on 4 June 2025 and a new investigation meeting notice was issued and served on both parties advising the investigation meeting would now be held by AVL on 13 June 2025.

[5] Mr Graham did not attend the CMC or the investigation meeting by AVL on 13 June 2025.

[6] Mr Meyer and Mrs Tope attended the investigation meeting on behalf of PLML.

[7] I am satisfied that the notice of investigation meeting was served to Mr Graham's address for service as advised to the Authority. Included in the notice of investigation meeting Mr Graham received, is advice that if the applicant does not attend the investigation meeting the matter may be dismissed.

[8] In Mr Graham's absence he has been unable to establish a case to answer. I have therefore decided to dismiss the matter in accordance with s 173 of the Employment Relations Act 2000.<sup>1</sup>

## **Conclusion**

[9] Mr Graham's claims are dismissed.

## **Costs**

[10] Costs are reserved. The parties are encouraged to resolve any issue of costs between themselves.

[11] If the parties are unable to resolve costs, and an Authority determination on costs is needed, the successful party may lodge, and then should serve, a memorandum on costs within 28 days of the date of this determination. From the date of service of

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<sup>1</sup> Employment Relations Act 2000, s 173(2) and Employment Relations Authority Regulations 2000, schedule 1, form 8.

that memorandum the other party will then have 14 days to lodge any reply memorandum. On request by either party, an extension of time for the parties to continue to negotiate costs between themselves may be granted.

[12] The parties can anticipate the Authority will determine costs, if asked to do so, on its usual “daily tariff” basis unless circumstances or factors, require an adjustment upwards or downwards.<sup>2</sup>

Sarah Kennedy-Martin  
Member of the Employment Relations Authority

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<sup>2</sup> [www.era.govt.nz/determinations/awarding-costs-remedies](http://www.era.govt.nz/determinations/awarding-costs-remedies)