

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

AA 149/08  
5078725

BETWEEN FAYE GREY  
Applicant

AND RECREATION HOLDINGS  
LIMITED  
Respondent

Member of Authority: Vicki Campbell  
Representatives: No appearance for Applicant  
Senga Allen for Respondent  
Investigation Meeting: 16 April 2008 at Hamilton  
Determination: 23 April 2008

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**DETERMINATION OF THE AUTHORITY**

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**Employment Relationship Problem**

[1] The applicant, Ms Faye Grey by statement of problem lodged in the Authority on 14 May 2007 claims she was forced to resign from her position as Office Manager with Recreational Holdings Limited ("RHL") and thereby constructively dismissed in October 2006.

[2] For its part, RHL says Ms Grey resigned her employment of her own accord.

[3] During a telephone conference call on 13 July 2007 an investigation meeting was set down for 28 August 2007. The representatives, including Mr John Peebles on behalf of his client Ms Grey, agreed to a timetable for the exchange and lodging of witness statements.

[4] On 27 August 2007 Mr Peebles, who had unsuccessfully been attempting to contact the Authority's fax since the previous Friday, notified the Authority that he had injured himself and sought an adjournment of the investigation meeting. The adjournment was granted.

[5] On 5 March 2008, after several unsuccessful attempts to contact Mr Peebles, and in order to progress this matter, I scheduled the matter for investigation meeting today. A Notice of Investigation Meeting was served on Mr Peebles on 25 March 2008.

[6] At the commencement of the investigation meeting neither Ms Grey nor Mr Peebles were in attendance. I asked the Support Officer to contact Mr Peebles by telephone. I am advised by the Support Officer that the contact telephone number provided on the statement of problem is no longer connected.

[7] The Notice of investigation meeting notes that where the applicant does not attend, the matter may be dismissed and costs may be awarded against the applicant.

[8] I am not aware of any good reason why Ms Grey has failed to attend today. Accordingly, she offers no information or assistance to the Authority in support of her application for investigation of her employment relationship problem.

**That being so, Ms Grey's application before the Authority is dismissed and the investigation is now closed.**

#### **Costs**

[9] As the Respondent has gone to the expense of being represented by a professional advocate, it is appropriate that an order for costs be made.

[10] Ms Allen advised me at the investigation meeting that the respondents' costs to date were in the amount of \$2,500. The matter was not complex and I find the costs incurred by the respondent are reasonable in all the circumstances. Ms Grey is required to pay to Recreation Holdings Limited the sum of \$250.00.

[11] An order is made accordingly.

Vicki Campbell  
Member of Employment Relations Authority