

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2013] NZERA Auckland 50
5390167

BETWEEN	INTEGRATED MAINTENANCE GROUP LIMITED Applicant
AND	JASON LEROY MARSH Respondent

Member of Authority:	Rachel Larmer
Representatives:	Shelley Compston, for Applicant No appearance by Respondent
Investigation Meeting:	13 February 2013
Determination:	13 February 2013

DETERMINATION OF THE AUTHORITY

- A Mr Jason Marsh is ordered to pay Integrated Maintenance Group Ltd (IMG) within 28 days of the date of this determination:**
- (a) \$1,562.75 overpaid wages;**
 - (b) \$71.56 to reimburse its filing fee;**
 - (c) \$722.20 service fees incurred.**

Employment Relationship Problem

[1] IMG runs a contract maintenance business. It employed Mr Marsh on a casual basis. Due to a keying error Mr Marsh was paid \$1,562.75 net by direct credit into his bank account for the week ending 23 April 2011. This amount should have been paid to another employee. Mr Marsh had not worked for IMG so was not due any wages.

[2] IMG immediately called Mr Marsh to inform him of the error and to seek repayment. Mr Marsh said he would call IMG back to arrange repayment. That did not occur.

[3] Mr Marsh's employment agreement contains a clause permitting IMG to recover any overpayments from him. IMG wrote to Mr Marsh explaining the error and requesting repayment on 23 April 2011, 03 April 2012 and 25 June 2012. No payments have been received and Mr Marsh has not responded to IMG's attempts to contact him.

[4] IMG seeks repayment of the overpayment of \$1,562.75 plus its filing fee of \$71.56 and the service fees of \$722.20 it has been charged by Baycorp (NZ) Limited which was required to personally serve the Statement of Problem (\$143.75) and Notice of Hearing (\$578.45) on Mr Marsh.

[5] I am satisfied Mr Marsh was paid in error so IMG is entitled to recover that money from him. IMG has also been put to the costs of filing proceedings and arranging for personal service on Mr Marsh. It is appropriate for Mr Marsh to reimburse IMG for those costs.

[6] Mr Marsh is ordered to pay IMG within 28 days of this determination, \$1,562.75 to repay the overpayment of his wages, \$71.56 to reimburse IMG for its filing fee and \$722.20 to reimburse IMG for the service fees it has had to incur with Baycorp.

[7] IMG represented itself so there is no issue as to costs.

Rachel Larmer
Member of the Employment Relations Authority

