



New Zealand Employment Relations Authority Decisions

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Jing v Sky Cuisine Limited [2011] NZERA 342; [2011] NZERA Auckland 114 (25 March 2011)

Last Updated: 20 June 2011

IN THE EMPLOYMENT RELATIONS AUTHORITY AUCKLAND

[2011] NZERA Auckland 114 5303545

BETWEEN CHUNLIN JING

Applicant

AND SKY CUISINE LIMITED

Respondent

Member of Authority: Dzintra King

Representatives: Jun Liu, Advocate for Applicant

Guanjun Zhang, Advocate for Respondent

Determination: 25 March 2011

DETERMINATION OF THE AUTHORITY

EMPLOYMENT RELATIONSHIP PROBLEM

[1] In an earlier determination, AA 505/10, I found that Mr Chunlin Jing, the applicant, had been constructively dismissed by the respondent, Sky Cuisine Limited. Leave was reserved to return to the Authority if the parties were unable to resolve the issue of lost income.

[2] The parties have been unable to so and the applicant, Mr Chunlin Jing, asks that the Authority determine the amount of lost income.

[3] Mr Jing left his employment on 5 January 2010. Mr Jing had no earnings after 5 January until 12 May 2010. His salary was \$615.83 gross per week. Mr Jing is entitled to three month's lost remuneration pursuant to s123 (1) (b) [Employment Relations Act 2000](#). This totals \$8,005.79.

[4] Pursuant to [s124](#) the Authority is to consider whether the actions of the employee contributed to the situation that gave rise to the personal grievance, and, if so, reduce the remedies accordingly. Mr Jing did not contribute to the situation giving rise to the personal grievance and there is to be no reduction in the remedies.

[5] The respondent is to pay the applicant the sum of \$8,005.79 gross.

Dzintra King

Member of the Employment Relations Authority
