

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

**AA 57/09
5130782**

BETWEEN MICHAEL JOHNS
 Applicant

AND ROGER BROWN AND LORRAINE
 BROWN
 Respondent

Member of Authority: Leon Robinson

Representatives: Applicant In Person
 No appearance for Respondent

Investigation Meeting: 19 February 2009 at Whangarei

Determination: 20 February 2009

DETERMINATION OF THE AUTHORITY

Application for Compliance order

[1] Mr Michael Johns ("Mr Johns") makes application for a compliance order against his former employers the respondents Mr Roger Brown ("Mr Brown") and his wife Mrs Lorraine Brown ("Mrs Brown").

[2] Compliance is sought with a Record of Settlement made under section 149 of the Employment Relations Act 2000 entered into between Mr Johns and Mr & Mrs Brown ("the Record of Settlement"). The Record of Settlement was entered into on 23 October 2002.

[3] I am satisfied that the application for compliance order has been served on Mrs & Mrs Brown. Mr Brown sent a cheque made payable to the Authority but that cheque was sent back to him.

[4] I fixed the time for investigation meeting to 19 February 2009 but Mr & Mrs Brown did not attend. I telephoned Mr Brown on his mobile telephone but it was not answered. Accordingly, I proceeded on the basis that the application was undefended.

Non-compliance

[5] The principal term of the Record of Settlement was that Mr & Mrs Brown would pay to Mr Johns the sum of \$1,130.00 within 7 days of 23 October 2002.

[6] I am satisfied that Mr & Mrs Brown have not complied with the Record of Settlement and I have Mr John's evidence that the situation of non-compliance continues today.

[7] I indicated to Mr Johns that I would have been sympathetic to an application for penalty. However, such an application would be proscribed by the applicable limitation period.

Order

[8] **I order ROGER BROWN and LORRAINE BROWN of 529 Jubilee Road, Hikurangi, Northland to comply with the Record of Settlement, and to do so by 6 March 2009.**

Costs

[9] Mr Johns shall have his lodgement fee on this application. **I order ROGER BROWN and LORRAINE BROWN of 529 Jubilee Road, Hikurangi, Northland to pay to Michael Johns the sum of \$70.00 being the lodgement fee on this application.**

Leon Robinson
Member of Employment Relations Authority