

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

AA 376/08
5130235

BETWEEN MU CHEN KUAN
 Applicant

AND MW ADVISORY NZ
 LIMITED
 Respondent

Member of Authority: Marija Urlich

Representatives: In person, Applicant
 No appearance for Respondent

Investigation Meeting: 30 October 2008

Determination: 4 November 2008

DETERMINATION OF THE AUTHORITY

Employment Relationship Problem

[1] Mrs Kuan was employed by MW Advisory NZ Limited as an accountant until she received one month's notice of redundancy on 10 April 2008. The notice was effective immediately. Mrs Kuan has not received payment for the month's notice or the preceding week's wages. She seeks orders requiring MW Advisory to pay outstanding wages and reimburse the filing fee incurred in lodging her application with the Authority.

[2] MW Advisory was served with the statement of problem and notice of investigation meeting. MW Advisory has not filed a statement in reply. There was no appearance on behalf of MW Advisory at the scheduled investigation meeting.

[4] Satisfied that MW Advisory had been given the opportunity to defend the matter before me, that it had been advised of the consequences of failure to attend a

hearing and did not advise the Authority of any reason why it could not attend the scheduled investigation meeting I proceeded to hear and determine the matter in accordance with the provisions of Clause 12 of the Second Schedule of the Act.

Wage arrears

[7] Mrs Kuan has provided wage records for the period in question. These documents support her wage arrears claim. The claims are \$862.89 (net) for the pay period ending 4 April 2008 and \$5816.71 (net) for the month's notice.

[8] I accept Mrs Kuan's evidence that she has made demand on MW Advisory, that it has failed to pay the outstanding sums and that this remains the case.

Determination

[9] **I find the sums claimed are owed to Mu Chen Kuan and order MW Advisory NZ Limited to pay her \$6,679.60 (net).**

[10] Mrs Kuan has been denied wages due and owing from the last day of her employment. **Interest is to be calculated on these sums at the rate of 9% from 11 April 2008 until date of payment.**

[11] A copy of this determination is to be served on MW Advisory NZ Limited as soon as practicable by leaving a copy of the same at the registered office of MW Advisory NZ Limited, that address being Level 27, 188 Quay Street, Auckland.

Costs

[12] **MW Advisory NZ Limited is to reimburse Mrs Kuan the \$70 filing fee incurred in lodging this application with the Authority.**

Marija Urlich

Member of the Employment Relations Authority

