

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

[2011] NZERA Auckland 457  
5291374

BETWEEN                      JOSE STEPHANE KIFOUANI  
Applicant

AND                              RAPPONGI EXCURSIONS  
LIMITED t/a DENNY'S  
RESTAURANTS  
Respondent

Member of Authority:        Dzintra King

Memoranda Received:        31 August 2011 from Applicant  
23 September 2011 from Respondent

Determination:                21 October 2011

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**COSTS DETERMINATION OF THE AUTHORITY**

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[1]     The applicant, Mr Jose Kifouani, was successful in his unjustified dismissal claims.    The parties have not been able to agree costs.

[2]     The applicant has incurred costs of \$2,554.00 and seeks payment of that amount.

[3]     The respondent submits that no costs should be awarded as a deterrent to applicants and counsel who promote reckless grievances.

[4]     The decision of the Full Employment Court in *PBO Limited v da Cruz* [2005] governs the Authority's exercise of its discretion in relation to costs. This includes the application of a daily tariff.

[5]     Costs are not to be awarded as a punishment.

[6] The costs incurred are very reasonable. The respondent is to pay the applicant the sum of \$2,000.00 in costs and the \$70.00 filing fee.

Dzintra King

Member of the Employment Relations Authority