

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

[2015] NZERA Auckland 264  
5555039

BETWEEN KEVIN (JUNGHAN) KIM  
Applicant  
A N D COFFEE STATION LIMITED  
Respondent

Member of Authority: Rachel Larmer  
Representatives: Applicant in person  
Mr Kian Lian Director of Respondent  
Investigation Meeting: 03 September 2015 at Auckland  
Oral Determination: 03 September 2015  
Written Record of Oral  
Determination: 03 September 2015

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**ORAL DETERMINATION OF THE EMPLOYMENT RELATIONS  
AUTHORITY**

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**Employment relationship problem**

[1] Mr Kim started work for Coffee Station on 01 December 2014. His last day of work was 06 March 2015.

[2] Coffee Station was directed to provide Mr Kim's wage and time records in accordance with the Employment Relations Act 2000 (the Act) and Mr Kim's leave and holiday records in accordance with the Holidays Act 2003 (HA03). Coffee Station did not provide this information as directed.

[3] Mr Kian Lian is the sole director and shareholder of Coffee Station which is no longer trading. Coffee Station closed its business in March this year as a result of its financial difficulties.

[4] Mr Kim was not provided with a written employment agreement contrary to the requirements of s.65 of the Employment Relations Act 2000 (the Act). However the parties agreed Mr Kim would be paid \$16 per hour and would work as per a weekly roster. Mr Kim provided the Authority with a copy of his rostered hours which Mr Lian agreed Mr Kim had worked.

[5] Mr Kim worked a total of 303 hours over the period he was employed so should have been paid \$4,848. Mr Kim received wages of \$3,455.37 leaving a balance of \$1,392.63 owed to him as unpaid wages.

[6] Mr Lian accepts that Mr Kim is owed \$1,392.63 wage arrears. Mr Lian says Mr Kim was not paid because Coffee Station deteriorated and was closed at the end of March this year. Mr Lian told the Authority he is currently taking steps to sell property he owns in Hong Kong in order to pay off Coffee Station debts, including Mr Kim's wage arrears.

### **Outcome**

[7] Mr Kim's wage arrears claim succeeds. Coffee Station is ordered within 28 days of the date of this determination to pay Mr Kim \$1,392.63 wage arrears.

### **Costs**

[8] Mr Kim represented himself so there is no issue as to legal costs. Coffee Station is ordered within 28 days of the date of this determination to pay Mr Kim \$71.56 to reimburse his filing fee.

### **Orders**

[9] Coffee Station is ordered to pay Mr Kim \$1,464.19 (\$1,392.63 wage arrears plus \$71.56 filing fee) within 28 days of the date of this determination.

**Rachel Larmer**  
**Member of the Employment Relations Authority**