

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
WELLINGTON OFFICE**

BETWEEN Kathleen Teresa Lynch and Gerard Alan Lynch (Applicants)

AND Robert Bruce Bradley (Respondent)

APPEARANCES Kathleen Lynch
Howard Peter Bradley (the respondent's father)¹

MEMBER OF AUTHORITY P R Stapp

INVESTIGATION MEETING Wanganui, 3 August 2005

DATE OF DETERMINATION 4 August 2005

DETERMINATION OF THE AUTHORITY

Employment relationship problem

[1] Kathleen Teresa and Gerald Alan Lynch are dairy farmers and employed Robert Bruce Bradley as a dairy farm worker. The employment relationship ended on 11 December 2004 and Mrs and Mr Lynch decided to pay Mr Bradley his wages and holiday pay by cheque. However, the cheque was returned. In the meantime a direct credit was made to Robert Bradley on 20 January 2005 in the usual way he was paid. Mrs Lynch readdressed the envelope but forgot to take the cheque out since the direct credit had been made to Mr Bradley. The cheque was banked on 3 February 2005. Mr Bradley was paid twice.

[2] Mrs Lynch made attempts to obtain a repayment of one of the payments without success.

[3] Mr Bradley did not reply to the statement of problem. He failed to attend mediation as directed without any explanation².

¹ Robert Bradley did not attend the Authority's investigation meeting.

² Howard Bradley suggested that Robert Bradley's failure to reply to the statement of problem may have been because he may have hoped that the problem would go away. Howard Bradley wished to raise two issues with Mrs Lynch about the way in which the employment relationship ended and a deduction made to the final pay. Mr Robert Bradley has not raised any problem, he did not reply to the statement of problem and he failed to attend mediation. Therefore the only issue before me was the application from Mrs and Mr Lynch for repayment.

[4] Mr Bradley's father acknowledged his son accepted he had to repay a sum of money (and would do so by instalments). The respondent requested the Authority to make an order on the full amount owing³. I agreed.

[5] Mrs and Mr Lynch are entitled to be repaid. I accept that a genuine mistake was made by them and Mr Bradley was paid twice when he should have only been paid once. Robert Bruce Bradley is required to pay \$589.89 and the \$70 filing fee to KT and GA Lynch. I order accordingly.

P R Stapp
Member of the Authority

³ On Robert Bradley's behalf Howard Bradley arranged a meeting time for Robert Bradley to discuss with Mrs and Mr Lynch the payment of the amounts in this order.