

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

AA 178/09  
5146487

BETWEEN DENIS MOTT  
Applicant

AND MOHAMMED NASEEB  
Respondent

Member of Authority: Vicki Campbell

On the Papers 10 June 2009

Determination: 11 June 2009

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**DETERMINATION OF THE AUTHORITY**

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[1] Mr Mott claims Mr Naseeb has failed to honour a Record of Settlement entered into by the parties on 9 October 2008. Mr Mott seeks compliance with the terms of the agreement. In his statement in reply Mr Naseeb advised the Authority that he had been away from work but would resume paying Mr Mott on his return in January 2009. Mr Naseeb has failed to honor that promise.

[2] The parties attended mediation and successfully resolved Mr Mott's employment relationship problem with Mr Naseeb. The parties entered into a Record of Settlement which was signed by the Mediator from the Department of Labour and endorsed to the effect that the mediator had explained to the parties that the settlement was final, binding and enforceable.

[3] To settle the employment relationship problem Mr Naseeb personally agreed to pay Mr Mott \$2,729.35 net for outstanding wages and holiday pay. It was agreed Mr Naseeb would pay an amount of \$100 per week starting on Friday 17 October 2008 and continuing every week on a Friday until the agreed amount was paid in full.

[4] The Record of Settlement then went on to provide for the payment to be made in full immediately, should one payment not be made on the due date. Mr Mott has

produced documents to show that Mr Naseeb failed to make payments on 31 October, 7 November, 14 November and since 28 November no further payments have been received.

[5] Mr Naseeb is ordered to pay to Mr Mott the sum of \$2,329.35 being the amount Mr Naseeb has agreed to pay Mr Mott pursuant to the Record of Settlement between them. Mr Naseeb is to make the payment immediately.

**Mr Naseeb is ordered to comply with the Record of Settlement it entered into with Mr Mott and to pay to him the sum of \$2,329.35 nett being the amount Mr Naseeb has agreed to pay. Mr Naseeb is ordered to make the payment immediately.**

#### **Costs**

[6] Mr Mott shall have the lodgement fee on his application.

**Mr Naseeb is ordered to pay to Mr Mott \$70.00 being the lodgement fee on his application.**

Vicki Campbell  
Member of Employment Relations Authority