

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

AA 229/08
5097016

BETWEEN MECHANICAL SYSTEMS
 LTD
 Applicant

AND JAMES HOWLETT
 Respondent

Member of Authority: Dzintra King

Representatives: Amanda Scown, Counsel for Applicant
 Julie Hardaker, Counsel for Respondent

Hearing: 17 December 2007

Determination: 8 July 2008

DETERMINATION OF THE AUTHORITY

[1] This matter, a claim by the applicant for reimbursement of monies, was adjourned in order for additional evidence to be supplied.

[2] The respondent supplied an additional brief of evidence on 21 December 2007.

[3] On 18 February I again asked the applicant to supply the additional evidence, being emails and passport pages.

[4] Nothing has been forthcoming from the applicant. I notified the parties that in the absence of the additional evidence I would consider any submissions they wished to make and proceed to a determination on the basis of the information in my possession.

[5] No submissions were received from either party.

[6] Upon checking the Companies Register I have found that the company was put into liquidation on 25 February.

[7] This was a poorly framed claim from the outset. The claim was not quantified and supporting material was lacking.

[8] On the basis of the documents made available to me and the evidence I heard I find that the applicant has failed to substantiate its allegations against the respondent.

Dzintra King

Member of the Employment Relations Authority