

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2011] NZERA Auckland 500
5347355

BETWEEN

REX MOORE
Applicant

AND

AIRDRIE TOWING (2007)
LIMITED
Respondent

Member of Authority: Dzintra King

Representatives: Eddie Bluegum, Counsel for Applicant
Bev Ritchie, Advocate for Respondent

Investigation Meeting: 19 October 2011

Further evidence received: 31 October 2011 from Respondent

Determination: 23 November 2011

DETERMINATION OF THE AUTHORITY

Employment Relationship Problem

[1] The applicant, Mr Rex Moore, seeks compliance with the terms of a Record of Settlement dated 23 June 2010.

[2] Pursuant to that settlement the respondent, Airdrie Towing (2007) Limited, agreed to pay Mr Moore the sum of \$15,400 in monthly instalments at the rate of \$1,200 per month.

[3] To date the respondent has paid the sum of \$5,600, leaving the sum of \$9,800 owing.

[4] The respondent was asked to supply financial information to support the contention that it could not meet the payments at this stage.

[5] Unfortunately, the evidence I have does not enable me to make such an assessment and make an order pursuant to s 138 (4A).

[6] Pursuant to s 137 (a) (iii) I order the respondent to pay the applicant the sum of \$9,800.

[7] The sum of \$9,800 is to be paid by 5 December 2011.

[8] The applicant seeks costs. The applicant is to file a memorandum on costs within 28 days of the date of this determination. The respondent is to file a memorandum in reply within 14 days of receipt of the applicant's memorandum.

Dzintra King

Member of the Employment Relations Authority