

**IN THE EMPLOYMENT RELATIONS AUTHORITY
WELLINGTON**

[2019] NZERA 563
3024938

BETWEEN CAMERON NICOL
 Applicant

AND AB ROOFING LIMITED
 Respondent

Member of Authority: M B Loftus

Representatives: No appearance for Applicant
 No appearance for Respondent

Investigation Meeting: 1 October 2019 at Palmerston North

Submissions Received: Nil

Determination: 1 October 2019

DETERMINATION OF THE AUTHORITY

[1] The applicant, Cameron Nicol, claims he was unjustifiably dismissed by AB Roofing Limited. Mr Nicol also claims there is a shortfall in respect to both wages and holiday pay. Finally he alleged various statutory breaches by AB Roofing.

[2] AB Roofing's position is unknown as notwithstanding a promise one would be provided there is no statement in reply. Nor is there any other indication of the company's position.

[3] Unfortunately neither party attended the investigation meeting. That said it is clear both, and more particularly Mr Nicol, was well aware of its scheduling. Indeed he had been in discussion with the Authority to make arrangements which would facilitate his attendance.

[4] Given that, he was contacted this morning and during the discussion advised, amidst other things, that he would not be appearing having moved on with his life.

[5] Mr Nicol's decision to absent himself will, for two reasons, see his application dismissed.

[6] Contained in the notice of investigation meeting, which I am well satisfied Mr Nicol has received, is advise that if the applicant does not attend the investigation meeting the matter may be dismissed.¹

[7] Second is the fact that by reason of his absence Mr Nicol has failed to establish a case that requires an answer from the respondent.

Conclusion

[8] For the above reasons I dismiss Mr Nicol's application.

[9] Given neither party attended the investigation there shall be no order as to costs.

M B Loftus
Member of the Employment Relations Authority

¹ Note 1 to Form 8 of the Employment Relations Authority Regulations 2000