

**IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH**

CA 4/09
5113123

BETWEEN PAUL ANTHONY NICOL
 Applicant

AND KEVIN SAMSON
 Respondent

Member of Authority: Philip Cheyne

Representatives: Paul Nicol the Applicant in person
 No appearance for Respondent

Determination: 16 January 2009

DETERMINATION OF THE AUTHORITY

[1] Mr Nicol lodged an amended statement of problem in which he described his problem as *Non supply of employment records, earnings information to ACC resulting in non payment to me*. The first statement alleged a problem with final pay but that was apparently resolved.

[2] When the amended statement of problem was sent to Mr Samson it drew a response by phone to the effect that relevant information had been supplied. It was also apparent that Mr Nicol's employer was a company not Mr Samson. A subsequent letter from Mr Samson confirmed that Mr Nicol was employed by the company. The letter also says that Mr Nicol terminated his employment and made an ACC claim of a work related accident which ACC at first accepted then rejected when challenged by the company.

[3] Subsequent communications between Mr Nicol and the Authority support officer make it clear that Mr Nicol's problem solely concerns the rate of payment to

him of earnings related compensation. The rate depends on Mr Nicol's earnings while in employment and there are specific provisions in the Injury Prevention, Rehabilitation, and Compensation Act 2001 that cover an employer's obligations under that Act to provide relevant information and the penalties for a failure to comply with those obligations. There are also specific provisions covering a claimant's right to review or appeal any decision made by the Accident Compensation Corporation. Mr Nicol thinks that he has not been paid compensation at the correct rate because ACC did not get earnings information from Mr Nicol's former employer in an acceptable format. Mr Nicol appears to be disgruntled with ACC as well as with his former employer about this.

[4] It is not the Authority's role to assist Mr Nicol with his ACC issues. The problem as lodged with the Authority falls outside the Authority's jurisdiction. These proceedings are therefore at an end.

Philip Cheyne
Member of the Employment Relations Authority