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Rikhtehgarzadeh v Allison AA335/10 (Auckland) [2010] NZERA 620 (26 July 2010)

Last Updated: 4 November 2010

IN THE EMPLOYMENT RELATIONS AUTHORITY AUCKLAND

AA 335/10 5308760

BETWEEN OMID RIKHTEHGARZADEH

Applicant

AND STEPHEN ALLISON

Respondent

Member of Authority: Representatives:

Investigation Meeting: Determination:

Robin Arthur

Applicant in person

No attendance for Respondent

26 July 2010

26 July 2010

Employment Relationship Problem

DETERMINATION OF THE AUTHORITY

[1] Omid Rikhtehgarzadeh seeks an order for the payment of three weeks wages from his former employer, Stephen Allison.

[2] Mr Rikhtehgarzadeh painted interiors of a Mission Bay house but was not paid for 102.5 hours worked between 25 January 2010 and 12 February 2010.

[3] Mr Allison did not attend the investigation meeting but was contacted by a support officer of the Authority. He said he was taking his partner to hospital and had forgotten about the meeting. He had accepted previously the money was owed to Mr Rikhtehgarzadeh. He told the Authority support officer he would transfer \$600 to Mr Rikhtehgarzadeh's account today and pay the balance within 14 days.

[4] Mr Rikhtehgarzadeh is now a student in a plumbing and gasfitting course at Unitec. He was employed by Mr Allison on an oral agreement to do painting work at the rate of \$13 an hour. He is entitled to an order requiring Mr Allison to comply with the terms of that oral agreement.

[5] The wages owed to him are to be paid at the gross rate and it is up to Mr Rikhtehgarzadeh to account to IRD for whatever tax may be owed. He is also entitled to interest on the amount due from his last day of work on 12 February - that is 164 days ago.

[6] The gross amount of wages due is \$1332.50 and interest on that amount for 164 days at the rate of 5.27 per cent is \$31.55.

[1] Mr Rikhtehgarzadeh is also entitled to reimbursement of his fee for lodging his application in the Authority.

Orders

[7] Under [s131](#) and [s137](#) of the [Employment Relations Act 2000](#) (the Act) Mr Allison is ordered to pay the following sums to Mr Rikhtehgarzadeh by no later than 9 August 2010:

(i) \$1332.50 as arrears of wages; and

(ii) \$31.55 as interest on the arrears for the period from 12 February to 26 July

2010; and

(iii) \$70.00 in reimbursement of the fee for lodging his application.

[8] If Mr Allison fails to pay the amount ordered in the time due, Mr Rikhtehgarzadeh may seek enforcement of this order in the District Court (s141 of the Act) or seek further orders in the Employment Court (s138(6) and s140(6) of the Act). The Employment Court may make orders to fine, imprison or sequester the property of a person in default of a compliance order made under s137 of the Act.

Robin Arthur

1 Interest rate set at today's 90-day bill rate of 3.27 plus 2 per cent: clause 11 of Schedule 2 of the Act.

Member of the Employment Relations Authority

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