



[5] In principle, the WINZ benefit did not have to be taken into account at all, as that money is not regarded as remuneration or earnings from employment and repayment of the benefit is a matter between a beneficiary and WINZ.

[6] Mr Short had of his own motion made some allowance for the benefit, but the total of WINZ payments given by Mr Norton in submissions had been made for a period of 23 weeks. The amount to be deducted, if any, should have been the benefit received over a period of 13 weeks.

[7] Therefore after deducting of the WINZ benefit received, \$5,645 is the amount Mr Short is to be paid as lost wages for a period of 13 weeks following his unjustified dismissal. This amount is substituted for \$3,352 awarded in the first determination.

[8] The award of \$3,750 given under s 123(1)(c)(i) of the Employment Relations Act 2000 is not affected and is confirmed as correct, as is the \$70 payment required to be made by Waltons to Mr Short for the cost of commencing the Authority investigation.

[9] Directions remain as previously given, in relation to any application for costs.

A Dumbleton  
**Member of the Employment Relations Authority**