

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

**AA 245/10
5121831**

BETWEEN CHAO ZENG
 Applicant

AND AIR NEW ZEALAND LIMITED
 Respondent

Member of Authority: Leon Robinson

Representatives: Tuariki John Delamere, Advocate for Applicant
 Rob Towner, Counsel for Respondent

Investigation Meeting: Consideration on Papers

Submissions Received: 10 August 2009
 24 August 2009

Determination: 24 May 2010

DETERMINATION OF THE AUTHORITY

[1] By a determination dated 29 July 2009 I made directions that the applicant was to either lodge in the Authority evidence establishing the raising of a personal grievance by the applicant or alternatively an application for leave to raise a personal grievance out of time. The representatives have lodged submissions for my consideration.

[2] Air New Zealand Limited maintains it never employed the applicant. It pleads that the Beijing Airline Service Corporation (FASCO) employed the applicant. It further pleads that FASCO terminated the applicant's employment on 8 August 2007.

[3] I have considered the email of 8 August 2007 that Mr Delamere wrote to Mr Rob Fyfe of Air New Zealand Limited and Mr Fyfe's reply. **I find that that advice does not raise a personal grievance whether for unjustifiable dismissal or any other kind.**

[4] I have also considered Mr Delamere's submissions in respect of an application for leave to raise a grievance out of time. There is nothing in those submissions which persuade me of any foundation to consider granting leave. There is no raising of a grievance but even if I consider the lodgement of the statement of problem in this Authority as a raising of a grievance, **I find that the applicant's delay in lodging/raising her purported grievance was not occasioned by exceptional circumstances. I therefore decline to grant leave.**

[5] The applicant has 28 days from the date of this Determination to challenge it in the Employment Court.

[6] I reserve costs.

Leon Robinson
Member of Employment Relations Authority