

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

AA 36/09  
5080972

BETWEEN                      JONATHAN LEE  
   Applicant

AND                                SAM JACK LIMITED (IN  
   LIQUIDATION  
   (previously WELDRITE  
   MARINE FABRICATION  
   LIMITED)  
   Respondent

Member of Authority:        Robin Arthur

Representatives:             Applicant in person  
   Nick Stenson, director, for Respondent

Investigation Meeting:       9 February 2009

Determination:                9 February 2009

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**DETERMINATION OF THE AUTHORITY**

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[1]     Jonathan Lee sought orders for recovery of wages and holiday pay he says were due to him for hours worked between 17 January and 1 February 2007. The claim totalled \$2527.20.

[2]     Following failure of the company's director Nick Stenson to attend previously arranged mediation the matter was set down for investigation by the Authority.

[3]     The Companies Office register shows the company commenced liquidation on 12 December 2008.

[4]     Under s248(1)(c) of the Companies Act 1993 proceedings against the company in liquidation cannot continue without the liquidator's consent.

[5] Without that consent the Authority can do nothing more to consider Mr Lee's claim.

Robin Arthur  
Member of the Employment Relations Authority