

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

[2014] NZERA Auckland 353  
5465632

BETWEEN                      AMY MARIE EYTON  
   Applicant  
  
A N D                              AMPHIBIANS SWIMMING  
   ACADEMY LIMITED  
   Respondent

Member of Authority:      Rachel Larmer  
  
Representatives:              Applicant in person  
   No appearance for Respondent  
  
Investigation Meeting:      20 August 2014 at Auckland  
  
Date of Determination:      20 August 2014

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**DETERMINATION OF THE AUTHORITY**

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**A.      Within 28 days of the date of this determination Amphibians Swimming Academy Limited (Amphibians) is ordered to pay Ms Eyton:**

- (a)      \$737.10 wage arrears;**
- (b)      \$71.56 filing fee.**

**No Statement in Reply**

[1]      Amphibians was served at its registered address for service with Ms Eyton's Statement of Problem on 18 June 2014. It has not filed a Statement of Reply. It has not sought leave to file a Statement in Reply out of time.

### **No appearance**

[2] Amphibians was served at its registered address for service with the Authority's Notice of Hearing on 29 July 2014 but did not appear at the investigation meeting today. It has not had any communication with the Authority.

### **Failure to comply with directions**

[3] Amphibians has failed to comply with the Authority's directions to provide a copy of Ms Eyton's wage and time and holiday and leave records.

### **Employment relationship problem**

[4] Ms Eyton started part time work with Amphibians on 10 June 2013. She was paid \$17.50 per hour and was supposed to be paid weekly but that often did not occur. Her employment ended on 30 June 2013.

[5] Ms Eyton claims she is owed \$737.10 wage arrears consisting of unpaid wages and unpaid holiday pay. Ms Eyton has tried to obtain payment of her wages arrears but no payments have been forthcoming.

[6] I accept Ms Eyton's uncontested evidence that she is owed wage arrears of \$737.10.

### **Costs**

[7] Ms Eyton was not legally represented so there is no issue as to costs. She is entitled to be reimbursed for her filing fee.

### **Orders**

[8] Amphibians is ordered within 28 days of the date of this determination to pay Ms Eyton:

- a. \$737.10 wage arrears;
- b. \$71.56 to reimburse her filing fee.

**Rachel Larmer**  
**Member of the Employment Relations Authority**