

**IN THE EMPLOYMENT RELATIONS AUTHORITY
WELLINGTON**

**I TE RATONGA AHUMANA TAIMAHI
TE WHANGANUI Ā TARA ROHE**

[2021] NZERA 210
3111132

BETWEEN	JAMES MCDONNELL Applicant
AND	LAWN AND GARDEN SOLUTIONS 2018 LIMITED Respondent

Member of Authority:	Sarah Kennedy
Representatives:	No appearance for the Applicant Rob Krammer, in person for the Respondent
Investigation Meeting:	19 May 2021
Submissions received:	Nil
Determination:	19 May 2021

DETERMINATION OF THE AUTHORITY

Employment Relationship Problem

[1] James McDonnell claims he was unjustifiably dismissed and that he is owed wages which were deducted at the time of termination.

[2] There has been no communication from Mr McDonnell to the Authority since a case management conference on 1 February 2021 despite attempts to contact him including one this morning which was unsuccessful.

[3] Rob and Shelley Krammer attended the meeting on behalf of the Respondent company.

[4] I am satisfied that the notice of investigation meeting was served to Mr McDonnell's address for service as advised to the Authority. Included in the notice of investigation meeting Mr McDonnell received, is advice that if the applicant does not attend the investigation meeting the matter may be dismissed.

[5] In Mr McDonnell's absence he has been unable to establish a case to answer. I have therefore decided to dismiss the matter in accordance with the Employment Relations Authority Regulations 2000.¹

Conclusion

[6] Mr McDonnell's claims are dismissed.

[7] Costs shall lie where they fall.

Sarah Kennedy
Member of the Employment Relations Authority

¹ Employment Relations Authority Regulations 2000, sch 1, form 8.