

**IN THE EMPLOYMENT RELATIONS AUTHORITY
WELLINGTON**

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

[2024] NZERA 270
3266519

BETWEEN	REGINALD BROWN Applicant
AND	STRAIGHT LINE FASCIA AND SPOUTING LIMITED Respondent

Member of Authority:	Claire English
Representatives:	No appearance for the Applicant No appearance for the Respondent
Investigation Meeting:	2 May 2024 at Tauranga
Submissions received:	None
Determination:	7 May 2024

DETERMINATION OF THE AUTHORITY

Employment Relationship Problem

[1] The applicant, Mr Reginald Brown, filed an application raising personal grievance claims of unjustified dismissal, unjustified disadvantage in relation to repeated non-payment of wages when due, and failure to engage with him in good faith regarding payment of his wages.

[2] The respondent has not filed a statement in reply.

[3] A copy of the statement of problem was sent to the respondent at its registered address for service. This was received and signed for, as was a reminder which was

received and signed for by Mr Karl Phillips who is the sole director and shareholder of the respondent. A further letter scheduling the date and time for a case management conference call was also sent and received. The respondent did not attend the conference call, despite attempts to contact him by the Authority.

[4] Mr Brown's representative attended the case management call, and as I was satisfied that the respondent had been put on notice of the claim and of the conference call, the matter was set down for an investigation meeting. Both parties were advised of the time, date, and venue for the investigation meeting, by notice in writing and by way of reminder.

[5] On the day of the investigation meeting, neither party appeared. The Authority contacted both parties by phone, and neither party answered the phone calls.

[6] I am satisfied that both parties were properly advised of the investigation meeting.

[7] Contained in the notice of investigation meeting, which I am satisfied has been properly sent to both parties, is advice that if the applicant does not attend the investigation meeting the matter may be dismissed.¹ In addition, Mr Brown was represented by an experienced advocate when the investigation meeting was originally scheduled.

[8] Given that, the absence of either notification or explanation of Mr Brown's absence, along with his failure to respond to approaches from the Authority, I conclude it appropriate I apply the regulations and dismiss the application.

Outcome

[9] For the above reasons, I dismiss Mr Brown's application.

[10] For the avoidance of doubt, I am also satisfied that no issue of costs arises, and no further orders are made.

Claire English
Member of the Employment Relations Authority

¹ Note 1 to Form 8 of the Employment Relations Authority Regulations 2000.

