

**IN THE EMPLOYMENT COURT
AUCKLAND**

**[2011] NZEmpC 47
ARC 85/10**

IN THE MATTER OF a challenge to a determination of the
 Employment Relations Authority

BETWEEN DOUGLAS ALO
 Plaintiff

AND NEW ZEALAND CUSTOMS SERVICE
 Defendant

Counsel: Andrew Scott-Howman, counsel for plaintiff
 Kathryn Beck, counsel for defendant

Judgment: 20 May 2011

CONSENT JUDGMENT OF JUDGE B S TRAVIS

[1] The parties are agreed that the following matter should be included in a consent judgment as follows:

- (a) The parties have advised the Court that they have settled all matters between them, and that there is accordingly no need for a hearing of this matter.
- (b) The parties are agreed that, immediately following the 2004 Boxing Day tsunami in Thailand, Mr Alo was required to perform work of an inherently stressful nature, and that as a consequence he subsequently developed Post Traumatic Stress Disorder.
- (c) A subsequent investigation by the Customs Service into allegations of misconduct concerning Mr Alo failed to take adequate account of his Post Traumatic Stress Disorder, and as a result he was unjustifiably dismissed.

- (d) The Customs Service will make payment to Mr Alo in respect of lost wages, hurt and humiliation, and reimbursement for certain medical expenses, as agreed between them.
- (e) The Court will determine Mr Alo's reasonable costs in relation to both the Employment Relations Authority hearing and the subsequent Judicial Settlement Conference. The parties are to file memoranda on this issue (on the basis of a sequential exchange). The parties have requested that this costs' determination remain confidential.

[2] Leave is reserved to the parties to apply for directions as to the order and timing for the filing of the memoranda as to costs.

B S Travis
Judge

Judgment signed at 4pm on 20 May 2011