

**IN THE EMPLOYMENT COURT
WELLINGTON**

**WC 12/09
WRC 10/09**

IN THE MATTER OF an application for leave to file challenge
 out of time

BETWEEN SHAUN STEVENSON
 Applicant

AND BENTAN TWISTED LIMITED
 Respondent

Hearing: (Heard on the papers) 5 May 2009

Judgment: 7 May 2009

JUDGMENT OF JUDGE C M SHAW

[1] This is an unopposed application for leave to file a statement of claim out of time.

[2] The applicant's challenge to a determination of the Employment Relations Authority was sent in error to the Employment Relations Authority 1 day inside the 28-day period for filing. The documents were returned and received at the applicant's solicitor's offices on 20 March 2009 and the applicant's solicitor did not see an e-mail dated 17 March 2009 sent by the Authority until he returned from leave on 23 March 2009. This application was filed promptly after that.

[3] I am satisfied that the grounds for such an application are made out and leave is granted accordingly.

[4] Because the respondent's advocate had advised the applicant's solicitor that his application was not opposed, counsel for the applicant has already filed a

statement of claim together with the correct filing fee in anticipation of the application being granted.

[5] A new file number will now be allocated to the challenge and advised to counsel.

**C M SHAW
JUDGE**

Judgment signed at 9.30am on 7 May 2009