

COMMONWEALTH OF THE BAHAMAS

IT/NES/15/2019

INDUSTRIAL TRIBUNAL

NEW PROVIDENCE

In the Matter of the Industrial Relations Act, Chapter 321

And

In the Matter of the Industrial Relations (Tribunal Procedure) Rules 2010

BETWEEN:

SHERELLE MCKENZIE-ARMBRISTER

APPLICANT

v

ISLAND WEAR

RESPONDENT

APPEARANCES: Mr. Errol McKinney on behalf of the Applicant


Mr. Royce Huyler on behalf of the Respondent

BEFORE: Her Honour, President Indira N. Demeritte-Francis

ORDER

- (1) By Certificate of Referral dated 31st January, 2019 the Minister referred the subject dispute to the Industrial Tribunal; and
- (2) In accordance with Rule 3 (1) of the Industrial Relations (Tribunal Procedure) Rules, 2010 a Notice for an Originating Application – Form A was sent on 14th February, 2019 by the Secretary, to the Tribunal, to the Applicant; and
- (3) Upon receipt by the Applicant of the Notice for an Originating Application the Applicant filed an Originating Application in the Tribunal on 25th February, 2019; and
- (4) The Applicant also filed in the Tribunal a Notice of Joinder of Parties – Form M on the 25th February, 2019; and

- (5) A Notice of Application to the Respondent – Form C and a Notice of Appearance - Form D was sent to the Respondent on the 1st March, 2019; and
- (6) That no Notice of Appearance - Form D or Defence – Form E was filed in the Tribunal by the Respondent; and
- (7) Pursuant to Rule 15(1) of the Industrial Relations (Tribunal Procedure) Rules 2010, the Industrial Tribunal set a fixture for the Case Management Hearing for Directions on the 16th January, 2020; and
- (8) The Applicant and Respondent appeared on the day of hearing, after a brief adjournment, both parties informed the Tribunal that the matter has been settled; and
- (9) The Respondent has agreed to the terms of the settlement which had been outlined in a letter to the Applicant exhibited below;



April 12, 2018

Sherelle T. McKenzie Armbrister,
 #24 Honey Bun Lane,
 Danottage Estates
 NI Number 11967780
 P.O. Box N-7695
 Nassau Bahamas

Dear Sherelle,

Re: FINAL SETTLEMENT LETTER

This letter comes to you as a final settlement of your employment by Royce Huyler T/A Island Wear from 15th October 1997 to 20th May 2016.

As you know, our business location for twenty years on Woods Rodgers Walk lease was terminated as the landlord redeveloped their compound into another business model.

I thank you for your great service and loyalty to Island Wear over the many years. You are owed the following:

1. \$1,200.00 In Vacation Pay
2. \$24,000.00 In Severance Pay (4% to total paid over the years)
3. \$19,017.67 In Monies owed to you over the years *(Please see Attached agreement of monies owed)*

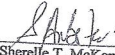
Therefore, the total payment that will be paid to you for your time at Island Wear as full and final settlement is forty four thousand two hundred and seventeen dollars and sixty seven cents (\$44,217.67).

Herewith, is how I propose to pay you your settlement amounting to \$44,217.67, along with a Computation sheet towards your Full and Final Settlement. Because I am waiting on the amount that I owe NIB and I don't have this figure as yet, I am not able to give you a propose payment plan. As soon as I have the NIB amount I will give you a payment plan as of the monies that Island Wear owes you.

I wish you all the best and success for your future endeavours.

Best Regards,

Royce A. Huyler
 President
 Island Wear


 Sherelle T. McKenzie Armbrister,
 Agreement of Full and Final Pay-out

THE DECISION OF THE TRIBUNAL IS AS AGREED AND THEREFORE IT IS SO ORDERED:

- (10) The Originating Application filed in the Industrial Tribunal on 25th February, 2019 is decided accordingly pursuant to Rule 12(1)(b) of the Industrial Relations (Tribunal Procedures) Rule 2010 and is hereby marked Settled.

AND THIS IS THE ORDER OF THIS TRIBUNAL

DATED THIS, 16th January, 2020

Indira N. Demeritte – Francis

President

Industrial Tribunal