

EMPLOYMENT STANDARDS TRIBUNAL

In the matter of an appeal pursuant to Section 112 of the

Employment Standards Act, R.S.B.C. 1996, c. 113

-by-

Sunrise Catching Ltd.

(“Sunrise”)

- of a Determination issued by -

The Director of Employment Standards

(the “Director”)

ADJUDICATOR: Kenneth Wm. Thornicroft

FILE No.: 97/698

DATE OF HEARING: December 15th, 1997

DATE OF DECISION: January 7, 1998

DECISION

APPEARANCES

No appearance for Sunrise Catching Ltd.
No appearance for Mike Cockrell
No appearance for the Director of Employment Standards

OVERVIEW

This is an appeal brought by Sunrise Catching Ltd. (“Sunrise” or the “employer”) pursuant to section 112 of the *Employment Standards Act* (the “Act”) from a Determination issued by the Director of Employment Standards (the “Director”) on September 2nd, 1997 under file number 074-058 (the “Determination”).

The Director determined that Sunrise owed its former employee, Mike Cockrell (“Cockrell”), the sum of \$1,027.16 on account of two weeks’ wages as compensation for length of service (see section 63 of the *Act*).

The employer asserts that it had just cause to dismiss Cockrell and, therefore, was not obliged to pay him any termination pay.

The employer’s appeal was scheduled to be heard at the Tribunal’s offices in Vancouver on December 15th, 1997, however, neither the employer, Cockrell or the Director appeared at the hearing. Subsequent telephone communications between Tribunal staff and the employer’s representative confirmed that the employer was well aware of the appeal hearing date but was “too busy” to attend the hearing. The employer never made an application to adjourn the appeal hearing.

In light of the foregoing, I consider this appeal to have been abandoned by the employer.

ORDER

Pursuant to section 115 of the *Act*, I order that the Determination in this matter be confirmed in the amount of \$1,027.16 together with whatever further interest that may have accrued, pursuant to section 88 of the *Act*, since the date of issuance.

Kenneth Wm. Thornicroft, Adjudicator
Employment Standards Tribunal