

An appeal

- by -

Jason Rowell
("Rowell")

- of a Determination issued by -

The Director of Employment Standards
(the "Director")

pursuant to Section 112 of the
Employment Standards Act R.S.B.C. 1996, C.113

ADJUDICATOR: Norma Edelman

FILE No.: 2001/792

DATE OF DECISION: January 8, 2002

DECISION

OVERVIEW

This is an appeal pursuant to Section 112 of the Employment Standards Act (the "Act") by Jason Rowell ("Rowell") from a Determination issued by a delegate of the Director of Employment Standards (the "delegate") on October 23, 2001. The delegate found that Mackenzie's Cabin Ltd. ("Mackenzie's") owed \$81,987.54 in wages to several former employees. Rowell appealed the Determination claiming he had not received a calculation sheet with the Determination and that Mackenzie's owed him wages.

FACTS AND ANALYSIS

On October 23, 2001 the delegate issued a Determination against Mackenzie's in which he found the company owed \$81, 987.54 to 22 former employees, including Rowell.

A copy of the Determination was sent to all the employees and the employer, which is bankrupt. In the Determination the delegate said that calculation sheets showing wages and interest were attached to the Determination.

Rowell appealed the Determination on November 15, 2001. In his appeal he said Mackenzie's owed him more than \$917.00 and the delegate had sent no calculation sheet to him. As a result, he wants the case sent back to the delegate for further investigation.

The other parties were invited to reply to Rowell's appeal. Only the delegate replied and he said:

Mr. Jason Rowell contends he did not receive a calculation sheet outlining wages owed. A review of the determination indicates there has been a technical error. The copy of determination mailed to Mr. Rowell did not include the Calculation Sheet because Mr. Rowell's name was misspelled. The delegate has included a copy of the calculation sheet outlining wages owed to Mr. Rowell. As indicated in the appeal Mr. Rowell is correct in that he is owed \$969.45 and these wages have been accounted for. The Corporate Determination included these wages and there is no error in the total of the determination.

(reproduced as written)

The delegate's submission was forwarded to the other parties for their reply. Only Rowell replied and he stated that he accepts he is owed a total of \$969.45.

I have reviewed the material on this file and I accept that the delegate did include Rowell in his calculations when he issued the Determination. There is no dispute that Rowell is owed the amount of \$969.45 and this is the amount set out in the Determination. Accordingly, I find no

reason to vary or cancel, in whole or in part, the Determination or refer the matter back to the delegate for further investigation.

ORDER

Pursuant to Section 115 of the Act, I order that the Determination dated October 23, 2001 be confirmed together with whatever additional interest has accrued, pursuant to Section 88 of the Act, since the date of issuance.

Norma Edelman
Adjudicator
Employment Standards Tribunal