

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 -

Michelle Mills operating as State of Mind Hair Design
("employer")

of a Determination issued by

The Director of Employment Standards

(the "Director")

ADJUDICATOR: Paul E. Love

FILE NO.: 1998/745

DATE OF DECISION: March 30, 1999

DECISION

OVERVIEW

This is an appeal by the employer, Michelle Mills operating as State of Mind Hair Design (the “employer”) from a Determination dated November 4, 1998 which found that Rhea D. McHugh was entitled to wages in the amount of \$ 5,698.93. An appeal was filed by counsel for Ms. Mills on November 27, 1998. The reasons for the appeal were noted in the application for appeal, and there was mention that affidavits would be filed in support of the grounds of appeal alleged. The time passed for filing material.

ISSUE TO BE DECIDED

Is there any basis for disturbing the findings of the Delegate?

FACTS

The Director’s delegate found that wages in the amount of \$5,698.93 were owing from Michelle Mills to Rhea D. McHugh. The Director’s delegate determined that, on balance, the records of the employee were more accurate than those provided by the employer. The Director’s delegate also found that the employer’s records were deficient.

The employer did not file any material in support of the grounds of appeal alleged.

ANALYSIS

The burden rests, in this case, with the employer to demonstrate an error in the Determination such that I should vary or cancel the Determination. The employer has not presented any evidence in this appeal. I therefore dismiss the employer’s appeal and confirm the Determination.

ORDER

Pursuant to Section 115 of the *Act*, I order that the Determination made November 4, 1998 is confirmed.

Paul E. Love
Adjudicator

Employment Standards Tribunal