

EMPLOYMENT STANDARDS TRIBUNAL

In the matter of an appeal pursuant to Section 112 of the
Employment Standards Act S.B.C. 1995, C. 38

- by -

Elk Valley Furnace Masters Ltd.
("Furnace Masters")

- of a Determination issued by -

The Director Of Employment Standards
(the "Director")

ADJUDICATOR: Lorne D. Collingwood

FILE NO.: 96/605

DATE OF DECISION: February 11, 1997

DECISION

OVERVIEW

The appeal is by Elk Valley Furnace Masters Ltd. (“Furnace Masters”) pursuant to section 112 of the *Employment Standards Act* (the “Act”) against Determination No. CDET 004139 of the Director of Employment Standards (the “Director”), a decision dated September 30, 1996. Larry Mathews had been found to be owed overtime pay and interest.

The appeal as filed claimed that no overtime moneys are owed Mathews because he was a manager, a salaried employee and did not work overtime as is set out in the Determination.

FACTS

Determination No. CDET 004139 is a finding that Elk Valley Furnace Masters owes Larry Mathews overtime pay in the amount of \$12,806.21 including interest.

Furnace Masters filed an appeal of the Determination and that led the Tribunal to set a hearing in the matter of the appeal, 1 p.m., February 5, 1997, at the Black Nugget Motor Inn in Sparwood. All parties were notified. The Director's delegate contacted Furnace Masters on the day before the hearing in an attempt to settle matters and, in doing so, reminded the company of the hearing.

The appellant did not appear at the hearing. I kept the Director's delegate, the complainant and the complainant's witness waiting for 20 minutes. No one representing the appellant appeared in that time. Nothing has been heard from Furnace Masters since the date of the scheduled hearing.

I note that Ron Bentley had been acting as counsel for Furnace Masters. Bentley was contacted as part of the delegate's attempt to settle matters prior to the hearing and he informed the delegate that he was no longer acting on Furnace Masters' behalf.

ORDER

The appellant's failure to attend the scheduled hearing, and the fact that nothing has been heard from the appellant since that time, leads me to conclude that Furnace Masters has abandoned its appeal. Pursuant to section 115 of the *Act*, Determination No. CDET 004139 is therefore confirmed.

Lorne D. Collingwood
Adjudicator
Employment Standards Tribunal

LDC:ldc