

February 18, 1998

**Decision Number: BC EST #094/98**

**TO INTERESTED PARTIES**

Re: **Employment Standards Act - Part 13**  
**Appeal of Director's Determination CDET dated December 12, 1997**  
**Marton Resource Group Inc. -and- John D. Furch**  
**Tribunal File Number: 97/922**

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**DECISION**

This is an appeal by Marton Resource Group Inc., under Section 112 of the *Employment Standards Act* (the "*Act*"), against a Determination dated December 12, 1997 which was issued by a delegate of the Director of Employment Standards

S. Marton alleged, on behalf of Marton Resource Group Inc., that the Director's delegate made several errors in the Determination concerning the compensation to which Mr. Furch is entitled under the *Act*.

The Tribunal scheduled a hearing for this appeal to take place on 2/18/98 at 9:00 a.m. at its offices in Vancouver. S. Marton was duly notified of the time and place of the hearing but did not attend at the scheduled time and place. When contacted by telephone, Mr. Marton requested the Tribunal to decide the appeal without an oral hearing.

The onus in this appeal is on the appellant, Marton Resource Group Inc. The Hearing Notice advised the parties that the Tribunal would decide the appeal despite a party's failure to attend the hearing. I have reviewed the Determination and the appellant's reasons for appeal. In the absence of S. Marton's oral evidence I am unable to find any grounds on which to vary or cancel the Determination.

**ORDER**

Pursuant to Section 115 of the *Act*, I order that the Determination be confirmed.

Geoffrey Crampton  
Chair  
Employment Standards Tribunal

**Interested Parties:**

John D. Furch

Marton Resource Group Inc. (Attn: Mr. S. Marton)

Director of Employment Standards (Officer: Victor Lee)