

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 -

Boota Sandhu
("Sandhu")

- of a Determination issued by -

The Director Of Employment Standards
(the "Director")

ADJUDICATOR: Lorne D. Collingwood

FILE NO.: 97/872

DATE OF HEARING: February 25, 1998

DATE OF DECISION: March 11, 1998

DECISION

OVERVIEW

The appeal is by Boota Sandhu pursuant to section 112 of the *Employment Standards Act* (the “Act”). Appealed is a Determination by a delegate of the Director of Employment Standards (the “Director”) dated November 4, 1997. The delegate has determined that Select Valet Parking does not owe Sandhu compensation for length of service for reason of just cause.

ISSUE TO BE DECIDED

Appealed is the Determination that Select had just cause.

Sandhu failed to appear at the hearing set in his appeal. That raises the matter of whether there is any further need to consider the appeal.

FACTS

The Determination was appealed on November 28, 1997.

The Registrar of the Employment Standards Tribunal (the “Tribunal”) set a hearing for 9:00 a.m., February 25, 1998 through a Notice of Hearing dated January 22, 1998.

On arriving for the hearing, I found neither the employer nor the appellant in attendance. I waited 20 minutes for Sandhu to arrive. He did not.

If there is an legitimate reason for his absence, Sandhu has not conveyed that to the Tribunal. On contacting the Tribunal’s office today I find that nothing at all has been heard from the appellant.

ANALYSIS

As matters are presented to me, Sandhu was properly notified of the hearing on February 25th. That he did not appear, and that nothing has been heard from him leads me to conclude that his appeal is one that should be considered abandoned. The fact that nothing has been heard from him leads me to conclude that his appeal is likely frivolous, trivial, and/or not brought in good faith.

I see no reason to proceed further in this matter.

ORDER

Pursuant to section 115 of the *Act*, the Determination dated November 4, 1997 is confirmed.

Lorne D. Collingwood
Adjudicator
Employment Standards Tribunal

LDC/bls