

An appeal

- by -

Peter A. Millick ("Millick")

- 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 (as amended)

TRIBUNAL MEMBER: David B. Stevenson

FILE No.: 2005A/87

DATE OF DECISION: July 27, 2005





DECISION

SUBMISSIONS

K.J. McLean on behalf of the Director

Martha A. Sandor on behalf of Peter A Millick

OVERVIEW

- This decision completes an appeal filed by Peter A. Millick ("Millick") of a Determination that was issued on September 27, 2004 by a delegate of the Director of Employment Standards (the "Director"). The Director found that Millick's former employer, J.A.W. Fabricators Ltd. ("J.A.W. Fabricators") had just cause to terminate Millick and denied Millick's claim for length of service compensation.
- ^{2.} In BC EST #D046/05 (the "original decision"), I found the Director erred in law in finding there was just cause, that Millick was entitled to length of service compensation and referred the matter back to the Director to calculate the amount of wages owed.
- The Director has reviewed the matter and has issued a supplement to the Determination, dated May 17, 2005, indicating the Determination should be varied to show Millick is owed an amount of \$7,840.00 wages for length of service compensation and \$470.40 annual vacation pay on that amount. The Tribunal has requested submissions from the parties on the variance.
- ^{4.} Millick has filed a response indicating his agreement with that amount. J.A.W. Fabricators has not filed a response.
- There being no objection to the wage calculation made by the Director and no indication that the calculation is wrong, it is appropriate to confirm the variance.

ORDER

Pursuant to Section 115 of the *Act*, I order the Determination dated September 27, 2004 be varied to show an amount owing of \$8,310.40.

David B. Stevenson Member Employment Standards Tribunal