

**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 -

Don Kauffman Operating as ABC Cedarcraft and ABC Cedarcraft Inc.  
("the Appellant")

- of a Determination issued by -

The Director Of Employment Standards  
(the "Director")

**ADJUDICATOR:** Mark Thompson

**FILE NO.:** 96/732

**DATE OF HEARING:** March 7, 1997

**DATE OF DECISION:** March 9, 1997

**DECISION**

**APPEARANCES**

Detlef W. Ploeger	On his own behalf
Pat Douglas	For the Director of Employment Standards

**OVERVIEW**

This is an appeal by Don Kauffman Operating as ABC Cedarcraft and ABC Cedarcraft Inc. pursuant to Section 112 of the *Employment Standards Act* (“the *Act*”). The appeal concerns Determination No. CDET 004860 issued by Pat Douglas as a delegate of the Director of Employment Standards on November 28, 1996.

The Determination found that the Appellant had violated Sections 17, 18.2, 27, 28, 40 and 58.3 of the *Act* by failing to pay Mr. Ploeger wages and statutory benefits.

The Appellant appealed the Determination, alleging that the delegate of the Director erred in several respects in making her Determination.

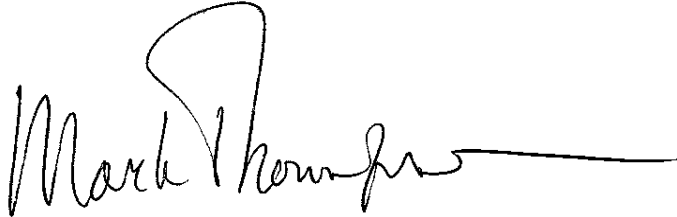
**ANALYSIS**

The Employment Standards Tribunal scheduled a hearing for this appeal to take place on March 7, 1997 at 9:00 a.m. at the Court Services Building at 20389 Fraser Highway in Langley, B. C. Mr. Kauffman was duly notified of the time and place of the hearing. Mr. Ploeger and the delegate, Pat Douglas, attended. No representative of the Appellant appeared. The other participants and I waited until 9:25 a.m. I arranged for Mr. Kauffman to be paged in the Court Services Building, and I called the Tribunal offices to determine if any message had been left. There was no communication from Mr. Kauffman.

The onus in this proceeding was on the Appellant. In the absence of any evidence or further representations from that party, the Determination must stand.

**ORDER**

Pursuant to Section 115 of the *Act*, I order that Determination No. CDET 004860 be confirmed.

A handwritten signature in black ink, appearing to read "Mark Thompson", followed by a long horizontal flourish line extending to the right.

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**Mark Thompson**  
**Adjudicator**  
**Employment Standards Tribunal**