

An appeal

- by -

Freshslice Operating Ltd. operating as Freshslice Pizza
(“Freshslice”)

- 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

ADJUDICATOR: Lorne D. Collingwood

FILE No.: 2000/774

DATE OF HEARING: April 2, 2001

DATE OF DECISION: April 18, 2001



On arriving for the appeal hearing at the appointed time and place, I found that only the employees were present. It is a policy of the Tribunal, that Adjudicators wait 20 minutes for the appellant. I kept the Director and the Director's witnesses waiting for 40 minutes in the hope that the person or persons that were to represent the employer were simply held up in traffic but, no one for the employer appearing, I sent the employees on their way.

ANALYSIS

Freshslice was notified of the appeal hearing but it did not attend the hearing, nor has it provided the Tribunal with what is a reasonable explanation for the failure to attend. It is Tribunal policy to consider an appeal abandoned where the appellant does not appear for his or her hearing and does not offer any reasonable explanation for the absence.

I am satisfied that it is either that the appeal has been abandoned or it is that it is frivolous, vexatious, trivial or not brought in good faith and one to dismiss on that basis, as the Tribunal may do pursuant to section 114 (1)(c) of the *Act*.

Freshslice has failed to show that the Determination is in any way in error. It claims that Arai did not work two of the days for which she is awarded pay but it has failed to provide clear proof of that. And while Freshslice, on filing its appeal, again suggested that moneys went missing during Martinolich's shift, I find that, as matters are presented to me, there is in fact no evidence of theft at all.

ORDER

The appeal is dismissed.

The Determination which orders Freshslice Operating Ltd. operating as Freshslice Pizza to pay Jayda Martinolich \$1,112.78 and Sabrina Arai \$392.90 is confirmed and to those amounts I add whatever further interest has accrued pursuant to section 88 of the *Act*.

LORNE D. COLLINGWOOD

Lorne D. Collingwood
Adjudicator
Employment Standards Tribunal