

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 -

Panagopolous Pizza Franchises Ltd.
("Panagopolous")

- of a Determination issued by -

The Director Of Employment Standards
(the "Director")

ADJUDICATOR: Geoffrey Crampton

FILE NO.: 96/339

DATE OF DECISION: July 16, 1996

DECISION

OVERVIEW

This is an appeal by Panagopolous Pizza Franchises Ltd. (“Panagopolous”) pursuant to Section 112 of the *Employment Standards Act* (“Act”), against Determination No. CDET 002253. The Determination was issued by a delegate of the Director of Employment Standards on May 13, 1996 and found that Panagopolous owed wages to Jeffrey Rosenau (“Rosenau”), for severance pay under Section 42 of the former *Employment Standards Act*.

Panagopolous’ appeal asserts that there was just cause to terminate Rosenau’s employment and that no severance pay is owed.

The Tribunal acknowledged receipt of Panagopolous’ appeal on June 4, 1996 and informed it that any documents provided by the Director would be forwarded. Those documents were sent on June 19, 1996 with a requirement that any response or submission was to be received by the Tribunal no later than July 10, 1996. The Tribunal has not received any response to date.

Section 114 (1)(c) gives the Tribunal authority to dismiss an appeal if it is satisfied that the appeal is “frivolous, vexatious or trivial or is not brought in good faith.” Panagopolous’ lack of response satisfies me that this appeal may be dismissed under the criteria set out in Section 114 (1)(c) of the *Act*.

ORDER

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

Geoffrey Crampton
Chair
Employment Standards Tribunal

GC:sr