

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 -

Jeffrey Bonnycastle
("Bonnycastle" or the "Employee")

- of a Determination issued by -

The Director Of Employment Standards
(the "Director")

ADJUDICATOR: Ib S. Petersen

FILE NO.: 98/102

DECISION DATE: May 11, 1998

DECISION

APPEARANCES/SUBMISSIONS

Mr. Regan Hayes	on behalf of Electronic Publishing Solutions Inc.
Mr. Andrew Kirkby	("Electronic" or the "Employer")
Mr. Joel Kalisziwski	
Mr. Jeff Whalley	

OVERVIEW

This is an appeal by the Employee pursuant to Section 112 of the *Employment Standards Act* (the "Act"), against a Determination of the Director of Employment Standards (the "Director") issued on January 30, 1998. The Determination found that Mr. Bonnycastle had been terminated for cause and, in the result, was not entitled to compensation for length of service. The Employee claims that the Determination is wrong.

ISSUE TO BE DECIDED

The issue to be decided in this appeal is whether the Determination should be varied, confirmed or cancelled.

ANALYSIS

A hearing was held on April 28, 1998. The issues in dispute relate largely to factual allegations and credibility. In this case, the Employee has the burden to prove the Determination wrong. Although duly notified, the Employee, who is the appellant in this matter, did not appear. In the result, I dismiss the appeal.

ORDER

Pursuant to Section 115 of the Act, I order that Determination in this matter, dated January 30, 1998 be confirmed.

Ib Skov Petersen
Adjudicator
Employment Standards Tribunal