

**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 -

Glenda Sandoval  
("Sandoval")

- of a Determination issued by -

The Director Of Employment Standards  
(the "Director")

**ADJUDICATOR:** Lorne D. Collingwood

**FILE NO.:** 97/61

**DATE OF HEARING:** May 21, 1997

**DATE OF DECISION:** May 26, 1997

## DECISION

### OVERVIEW

The appeal is by Glenda Sandoval pursuant to section 112 of the *Employment Standards Act* (the “Act”) against the Determination of the Director of Employment Standards (the “Director”), a decision dated January 9, 1997. In the Determination, Allan Harvey and Deborah Taylor Harvey are found to owe Sandoval vacation pay of \$290.04 plus interest.

### ISSUES TO BE DECIDED

At issue are the Director’s calculations and conclusions in respect to the amount of vacation pay owed Sandoval and other conclusions in respect to pay, hours worked and deductions.

At issue is the matter of whether the Tribunal should proceed further in the matter, the appellant failing to appear at the hearing set in her appeal.

### FACTS

Sandoval worked for Allan Harvey and Deborah Taylor Harvey as a domestic worker.

Sandoval filed a complaint which led to an investigation by a delegate of the Director. The Director's delegate reached certain conclusions which are set out in a Determination dated January 9, 1997.

Sandoval appealed the Determination and, as a result of that, a hearing was set in the matter of Sandoval’s appeal. The hearing was to begin at 9:00 a.m. on May 21, 1997. Sandoval was not present for the hearing. I waited more than 20 minutes for the appellant to arrive and left when she did not.

The Tribunal has heard nothing further from Sandoval since the day of the hearing. The parties were given in excess of four weeks’ notice of the hearing and properly notified, that is the record.

### ANALYSIS

The issues raised by the appeal cannot be decided without a hearing. Given the appellant’s failure to attend the scheduled hearing, and the fact that nothing has been heard from the appellant since

that time, I am lead to the conclusion that the appeal has been abandoned. There is no further action to take in the matter.

**ORDER**

Pursuant to section 115 of the *Act*, the Determination dated January 9, 1997 is confirmed.

---

**Lorne D. Collingwood**  
**Adjudicator**  
**Employment Standards Tribunal**

LDC:lc