

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 -

David LeBeau
("LeBeau")

- of a Determination issued by -

The Director Of Employment Standards
(the "Director")

ADJUDICATOR:	Hans Suhr
FILE NO.:	97/100
DATE OF DECISION:	June 12, 1997

DECISION

OVERVIEW

This is an appeal by David LeBeau (“LeBeau”) under Section 112 of the *Employment Standards Act* (the “Act”), against a Determination issued by a delegate of the Director of Employment Standards (the “Director”) on January 24, 1997. LeBeau alleges that the delegate of the Director erred in determining that there was no evidence of an employment relationship between LeBeau and Bradley Dobbin operating Dobbin and Son Contractors (“Dobbin”) and, subsequently there were no wages owing.

ISSUE TO BE DECIDED

The issue to be decided in this appeal is whether there is any evidence of an employer / employee relationship between Dobbin and LeBeau.

FACTS

LeBeau received \$500.00 from Dobbin.

There were no payroll records or records of any kind provided by either LeBeau or Dobbin.

The delegate of the Director determined that LeBeau was not an employee and further that no work had been performed.

ANALYSIS

LeBeau has not provided any evidence to support his contention that he was an employee of Dobbin and in fact, aside from the appeal form with an annotated copy of the Determination attached, LeBeau has not provided any further information to the Tribunal with respect to this appeal.

LeBeau is, in my view, obliged to provide *some* evidentiary basis for his appeal of the Determination, therefore, in the absence of any evidence from LeBeau, the appeal is dismissed.

ORDER

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

**Hans Suhr
Adjudicator
Employment Standards Tribunal**