

**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-

Dennis A. Corbett

-of a Determination issued by-

The Director of Employment Standards  
(the "Director")

**ADJUDICATOR:** E. Casey McCabe

**FILE NO.:** 97/90

**DATE OF HEARING:** May 22, 1997

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



Upon reconvening the hearing I reviewed the written submission of the Appellant and that of the Respondent employer. I find that with respect to the Appellant's allegations of unpaid regular wages, unpaid overtime, unpaid statutory holiday pay and incorrect deductions from wages the allegations in his submission are very general and without specifics. The Appellant does not provide any particulars with respect to unpaid regular wages such as dates, hours worked, place worked or rates of pay nor does he substantiate his claim for overtime with the same specifics. Similarly no particulars are supplied with respect to the allegations of failure to pay statutory holiday pay and incorrect deductions from wages. I find that Mr. Corbett has failed to make even a prima facie case. Furthermore, with respect to the allegation of an illegal deduction I note from the file material that Mr. Corbett authorized in writing certain deductions from his paycheque. Such deductions are allowed under the *Act* by written authorization. With respect to the claim for termination pay I find that in a conversation with Mr. Palmer when Mr. Palmer attended Mr. Corbett's residence to retrieve the company truck that Mr. Corbett told Mr. Palmer that he had "actually quit a few days ago". Mr. Corbett is not entitled to termination pay when he voluntarily leaves his employment.

Finally, the onus in this proceeding is on the Appellant. In the absence of any evidence to the contrary the Determination must stand. An appeal will be dismissed when an Appellant fails to appear (*Elk Valley Furnace Masters Ltd.* BC EST No. 063/97).

**ORDER**

I order pursuant to Section 115 of the *Act* that Determination dated January 23, 1997 be confirmed.

**E. Casey McCabe**  
**Adjudicator**  
**Employment Standards Tribunal**