

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 -

Bursaw Holdings Ltd.
Operating Prestige Professional Dry Cleaners
("Prestige")

- of a Determination issued by -

The Director Of Employment Standards

ADJUDICATOR: Carol Roberts

FILE NO.: 96/426

DATE OF HEARING: November 4, 1996

DATE OF DECISION: November 4, 1996

DECISION

APPEARANCES

No one appeared	For the Appellant
Gerry Olmstead	For the Director of Employment Standards
Chris Tillapaugh	Representing himself

OVERVIEW

This is an appeal by Bursaw Holdings Ltd. Operating Prestige Professional Dry Cleaners ("Prestige"), pursuant to Section 112 of the *Employment Standards Act* ("the Act"), against a Determination of the Director of Employment Standards ("the Director") issued on July 5, 1996 (Determination #003168) wherein the Director found that the employer had contravened Sections 40(1), 17(1) and 58(1) of the *Employment Standards Act* in failing to pay overtime wages and vacation pay, and ordered that Prestige pay \$300.15 to the Director of Employment Standards.

ISSUE TO BE DECIDED

The issue on appeal was whether wages were owing.

FACTS

Tillapaugh was hired by Prestige as a store clerk on August 30, 1995. He worked at a number of locations of the company. His employment ended December 5, 1995.

On February 29, Tillapaugh filed a complaint to the Employment Standards Branch regarding overtime wages. In the course of investigating the complaint, the Director sought and received Prestige's payroll records regarding Tillapaugh, but no records regarding the hours worked.

Relying on Tillapaugh's own records and the evidence of Prestige's accounting company, the Director determined that wages were owing.

The Director found a contravention of Sections 40, 17(1) and 58 ordered \$293.02 plus interest as outstanding wages owing.

The Appellant failed to appear at the scheduled date and time of the hearing despite having knowledge of the opportunity to do so. In the absence of any evidence, I dismiss the appeal.

ORDER

I Order, pursuant to Section 115 of the *Act*, that Determination #003168 be confirmed.

Carol Roberts
Adjudicator
Employment Standards Tribunal