

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-

Gregory Richard Barnes

(“Barnes”)

- of a Determination issued by -

The Director of Employment Standards

(the “Director”)

ADJUDICATOR: Kenneth Wm. Thornicroft

FILE No.: 97/754

DATE OF HEARING: July 22nd, 1997

BC EST # D353/97

DATE OF DECISION: August 6th, 1997

DECISION

APPEARANCES

J.W. (Bill) Millar and Jackie Millar for AGS Business Systems Inc.
No appearance for Gregory Richard Barnes
No appearance for the Director of Employment Standards

OVERVIEW

This is an appeal brought by Gregory Richard Barnes (“Barnes”) pursuant to section 112 of the *Employment Standards Act* (the “Act”) from Determination No. CDET 004745 issued by the Director of Employment Standards (the “Director”) on November 20th, 1996 (the “Determination”). The Director determined that AGS Business Systems Inc. (“AGS”) had not contravened the *Act* as alleged by Barnes and, therefore, dismissed Barnes’ complaint concerning alleged unpaid wages.

The appeal hearing in this matter, having earlier been scheduled for April 9th, 1997 and adjourned at Barnes’ request, was convened in Nanaimo, B.C. on July 22nd, 1997. The employer appeared at the hearing, however, Barnes did not. I contacted the Tribunal’s office in Vancouver and was advised that Barnes had been duly served with notice of the hearing and had not contacted the Tribunal’s office to indicate that he would not be appearing at the hearing.

In the absence of Barnes, I nonetheless heard evidence from both Bill Millar (the sole officer and director of AGS) and Jackie Millar (AGS’ administrative assistant) on behalf of AGS. Having heard their evidence (including both *viva voce* testimony and various documents), which I find to be credible, and in the absence of any contrary testimony from Barnes, I am fully satisfied that the Determination ought to be confirmed for the reasons set out in the Reason Schedule appended to the Determination.

ORDER

Pursuant to section 115 of the *Act*, I order that Determination No. CDET 004745, issued November 20th, 1996, be confirmed as issued.

Kenneth Wm. Thornicroft, *Adjudicator*
Employment Standards Tribunal