

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 -

Barry C. Dubbin
("Dubbin" or the "Employee")

- of a Determination issued by -

The Director Of Employment Standards
(the "Director")

ADJUDICATOR: Ib S. Petersen

FILE NO.: 1999/294

HEARING DATE: August 18, 1999

DECISION DATE: September 9, 1999

DECISION

APPEARANCE

Mr. Ken Crawford

on behalf of United Heritage Metis Association

Mr. Leonard Laboucan

This is an appeal by Dubbin pursuant to Section 112 of the *Employment Standards Act* (the “Act”), against a Determination of the Director of Employment Standards (the “Director”) issued on April 12, 1999. The Determination dismissed Dubbin’s claim for compensation for an alleged period of employment between July 1 and November 6, 1998. The delegate agreed that Dubbin had employee status between October 7 and November 6, 1998. However, as he did not provide details of the work he performed for the Association during that period and chose not to return the Association’s records, the delegate concluded that he performed no work for the Association and, in the result, was not entitled to compensation. Dubbin disagrees with the Determination. He says, among others, that he did provide the details and documents.

A hearing was held on August 18, 1999. Dubbin, the appellant in this matter, has the burden to prove the Determination wrong. Although duly notified, he did not appear at the hearing. In the result, I consider that the appeal has been abandoned and dismiss it.

ORDER

Pursuant to Section 115 of the *Act*, I order that Determination in this matter, dated April 22, 1999 be confirmed.

Ib Skov Petersen

Adjudicator

Employment Standards Tribunal