

An appeal

- by -

Jaspal Wahid  
(the "Employee")

- of a Determination issued by -

The Director of Employment Standards  
(the "Director")

pursuant to Section 112 of the  
*Employment Standards Act* R.S.B.C. 1996, C.113

**ADJUDICATOR:** Ib S. Petersen

**FILE No.:** 2001/243

**DATE OF HEARING:** July 10, 2001

**DATE OF DECISION:** July 12, 2001

## DECISION

### APPEARANCES:

Mr. R. Deol

Counsel, on behalf of the Employer

### FACTS AND DECISION

This matter arises out of an appeal by the Employee pursuant to Section 112 of the *Employment Standards Act* (the “Act”), against a Determination of the Director issued on February 28, 2001. The Determination concluded that Wahid was owed \$3,404.02 by the Employer. The Employer, as I understood it, had paid this amount.

The Employee appeals the determination. The Employee, as the appellant, has the burden to persuade me that the Determination is wrong. In large measure, the issues on appeal are of a factual nature, arising out of the delegate’s conclusions regarding hours worked, hourly rate, and amounts paid by the Employer. Although duly notified, Wahid did not appear at the hearing at the scheduled time, 9:00 a.m. The Employer attended the hearing with its counsel and numerous witnesses, ready to proceed. In the result, after waiting until 9:30 a.m. and ascertaining that Wahid had not contacted the Tribunal, I informed the Employer that I considered the appeal abandoned and dismissed.

### ORDER

Pursuant to Section 115 of the *Act*, I order that the Determination dated February 28, 2001, be confirmed.

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**Ib S. Petersen**  
**Adjudicator**  
**Employment Standards Tribunal**