

**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 -

George Arthur Fehr  
("Fehr")

- of a Determination issued by -

The Director Of Employment Standards  
(the "Director")

**ADJUDICATOR:** David Stevenson

**FILE NO.:** 97/363

**DATE OF HEARING:** September 4, 1997

**DATE OF DECISION:** September 17, 1997

**DECISION**

**OVERVIEW**

This is an appeal pursuant to Section 112 of the *Employment Standards Act* (the “*Act*”) by George Arthur Fehr (“Fehr”) of a Determination which was issued on April 22, 1997 by a delegate of the Director of Employment Standards (the “Director”). The Determination resulted from a complaint by Fehr that he was not paid overtime wages, statutory holiday pay and vacation pay as required by the *Act*, that he was not paid traveling time and that his employer made unauthorized deductions from his wages. The Director found some merit to the complaints and ordered his employer, Cham Investments Limited, to pay \$1768.25. Some aspects of the complaint were denied, including the travel time claim and the issue of unauthorized deductions. Fehr appealed.

A hearing was scheduled for September 4, 1997 in Castlegar. At the time scheduled for the hearing neither of the parties, including Fehr, had appeared. The commencement of the hearing was delayed for ½ hour. At the end of that time Fehr had still not appeared.

**ANALYSIS**

I am satisfied from the information contained on file that Fehr received notice of the date, time and location of the hearing.

On an application under Section 112 of the *Act* an appellant bears a legal burden to persuade the Tribunal that the Determination is wrong, either in law, in fact, or in some combination of law and fact. In most cases that burden will not met if the appellant fails to appear to present their case and the appeal will be dismissed. This case is typical of most cases and in Fehr’s absence the appeal fails.

**ORDER**

Pursuant to Section 115 of the *Act*, I order the Determination dated April 22, 1997 be confirmed.

**David Stevenson**  
**Adjudicator,**  
**Employment Standards Tribunal**