

**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 -

John M. Wolanski

- of a Determination issued by -

The Director of Employment Standards  
(the “Director”)

**ADJUDICATOR:** Lorne D. Collingwood

**FILE No.:** 2000/417

**DATE OF HEARING:** October 5, 2000

**DATE OF DECISION:** October 19, 2000

## DECISION

### OVERVIEW

This appeal is pursuant to section 112 of the *Employment Standards Act* (the “Act”) and by John M. Wolanski (“Wolanski”, also, “the appellant”). Wolanski appeals a Determination by a delegate of the Director of Employment Standards (the “Director”) dated May 23, 2000. The Determination is that Wolanski was not employed by Mohamad Jaroudi and Ahlam Jaroudi operating as Cloverdale Bottle Depot (“the Jaroudis”) and that, as such, he is not owed wages as claimed.

Wolanski, on appeal, again claimed that he performed work for the Jaroudis. The Jaroudis, in responding to the appeal, again deny that Wolanski was at any point employed by them.

### APPEARING FOR THE HEARING

Mohamad Jaroudi

On his own behalf

Rabih Jaroudi

In support of his father

### FACTS AND ANALYSIS

The Tribunal set a date for hearing so that an Adjudicator could hear directly from Wolanski, the Jaroudis, and witnesses mustered by the parties, and assess credibility. The parties were sent notice of the hearing on September 13, 2000. It states that the hearing would be at Library Square, on the 8<sup>th</sup> Floor, 360 West Georgia Street in Vancouver, and that it would start at 9:00 a.m. on October 5, 2000.

I arrived for the hearing at the appointed time and place. The Jaroudis were there but Wolanski was not. It is a policy of the Tribunal that, where no postponement has been granted, Adjudicators wait 15 minutes for the appellant. I kept Mohamad Jaroudi waiting for almost 25 minutes in the hope that the appellant was simply held up in what seemed to me to be unusually heavy traffic that day and that he was going to arrive eventually. Wolanski never did, nor did anyone representing him.

Wolanski has not contacted the Tribunal since the date of the hearing. No one else has offered any explanation for his absence.

It may be that the appeal is frivolous, vexatious, trivial or not in good faith and one to dismiss pursuant to section 114 (1)(c) of the *Act*, or the appeal may simply have been abandoned. In any event, there being no reasonable explanation for the appellant’s absence, the appeal is deemed to have been abandoned as is Tribunal policy.

**ORDER**

The appeal is dismissed and, pursuant to section 115 of the *Act*, the Determination dated May 23, 2000, is confirmed.

***Lorne D. Collingwood***  

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**Lorne D. Collingwood**  
**Adjudicator**  
**Employment Standards Tribunal**