

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 -

Daniel Egan
(the “Employee”)

- of a Determination issued by -

The Director Of Employment Standards
(the “Director”)

ADJUDICATOR: Ib S. Petersen

FILE NO.: 1999/525

HEARING DATE: October 25, 1999

DECISION DATE: November 5, 1999

DECISION

APPEARANCE

Mr. David Mackie on behalf of Red Robin Restaurants of Canada Ltd. (the “Employer”)

This is an appeal by the Employee 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 28, 1999. The Determination found that the Employer had just cause for the termination of Daniel Egan’s employment on March 20, 1999. Egan was terminated together with another employee for fighting at the work place. In the result, he was not entitled to compensation for length of service. The Employee says that the Determination is wrong.

A hearing was scheduled for October 25, 1999. The Employee, who is the appellant in this matter, has the burden to prove the Determination wrong. Although duly notified, the Employee 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 28, 1999 be confirmed.

Ib Skov Petersen
Adjudicator
Employment Standards Tribunal