

An appeal

- by -

Boris V. Styba operating as Boris V. Styba & Associates (the "Employer")

- 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.: 2001/468

DATE OF HEARING: October 9, 2001

DATE OF DECISION: October 22, 2001





DECISION

APPEARANCES:

Ms. Parminder Gill

on behalf of herself

FACTS AND ANALYSIS

This is an appeal by the Employer pursuant to Section 112 of the *Employment Standards Act* (the "Act"), against a Determination of the Director of Employment Standards (the "Director") issued on May 28, 2001. The Determination concluded that the Employer had failed to pay Ms. Gill in contravention of the *Act* and ordered the Employer to pay her \$4,026.20 on account of regular wages, statutory holiday pay, vacation pay, compensation for length of service and minimum daily pay. The Delegate concluded that the Employer "did not participate in the investigation in any meaningful way" and based his decision on information provided by Ms. Gill.

The Employer takes issue with the delegate's conclusions. In the written appeal, the Employer says that the factual basis for the Determination is wrong. Among others, the Employer says that Ms. Gill worked for other companies and takes issues with days worked. A hearing was held on October 9, 2001.

First, the Employer, the appellant in this matter, has the burden to prove the Determination wrong. Although duly notified, the Employer did not appear at the hearing. In the result, I consider that the appeal has been abandoned and dismiss it.

Second, even if I were to consider the appeal on its merits, I would still dismiss it. Ms. Gill appeared at the hearing and confirmed the factual underpinnings of the Determination. She explained that she worked for the Employer at the material time and that she had not been paid as found in the Determination

In short, I dismiss the appeal.



ORDER

Pursuant to Section 115 of the Act, I order that Determination in this matter, dated May 28, 2001 be confirmed.

Ib S. Petersen Adjudicator Employment Standards Tribunal