

An appeal

- by -

Alkon Trading LTD. Operating as Kitchen Plus
(“Alkon”)

- 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: Norma Edelman

FILE No.: 2001/834

DATE OF DECISION: December 20, 2001



DECISION

ANALYSIS

This Decision concerns the amount of wages owed by Alkon Trading Ltd. operating as Kitchen Plus ("Alkon") to Bonnie Michaels ("Michaels").

On November 20, 2001, the Tribunal issued Decision BC EST #D622/01 in connection with the above-noted appeal which included the following Order by the Adjudicator:

Pursuant to s.115 of the *Act* I order that the Determination dated August 8, 2001 is confirmed, except that the issue of wages, vacation pay and interest are referred to the Delegate to reflect a finding that Ms. Michael was terminated on May 25, 2000.

On November 26, 2001, the Tribunal received a report dated November 22, 2001 from the delegate of the Director of Employment Standards. Concerning the issue of calculations, the delegate stated the following in her report:

The adjudicator found that the complainant's employment was terminated on May 25, 2000 and not May 28, 2000. I was asked to recalculate wages owing based on this change. The only difference to the calculations is the deduction of two hours of work for May 28, 2000. The revised value of the determination is \$1,529.66. The determination interest to August 17, 2001 is \$134.64. The total amount of the determination is therefore \$1,664.30. I have also calculated subsequent interest to November 23, 2001 in the amount of \$16.90. Therefore, the total amount owing at this point is \$1,681.20.

In a letter dated November 27, 2001, the Tribunal invited the other parties to reply to the delegate's submission. No reply was received from Alkon or Michaels. This matter has been decided based on the written submission of the delegate.

I have reviewed the file and the calculations made by the delegate and I find no reason to alter her conclusions regarding the amount of wages owed to Michaels. Accordingly, the following Order is made:

ORDER

Pursuant to Section 115 of the *Employment Standards Act* and further to Tribunal Decision BC EST #622/01 I order that the Determination dated August 17, 2001 be varied to show that Alkon owes Michaels \$1,681.20, plus, pursuant to Section 88 of the Act, any further interest accumulated since November 24, 2001.

Norma Edelman
Adjudicator
Employment Standards Tribunal