



IN THE MATTER OF

An Appeal pursuant to Part IV of *The Saskatchewan Employment Act (The Act)* under section 3-53 , 3-54 and 3-58 of *The Act*

BETWEEN:

Kelsey Phillips

APPELLANT

And

Powersports Regina Ltd.

RESPONDENT

Decision appealed from: Occupational Health Officer Decision dated January 27th, 2022.

Adjudicator – Marlene Weston.

DECISION

I. INTRODUCTION

1. Pursuant to subsection 4-3(2) of the *Act*, the Director of Occupation Health & Safety had submitted a written document to the Board appointing Marlene Weston as Adjudicator in this matter; and pursuant to subsection 4-3(3) of *The Act*, the Registrar confirmed and directed that Marlene Weston was selected as the Adjudicator for the appeal of the Occupational Health Officer's decision dated January 27, 2022. I received the Selection of Adjudicator document from the Registrar dated July 22, 2022.

II. BACKGROUND

2. Subsequent to my selection as Adjudicator, I obtained the file compiled by the Occupational Health & Safety Officer in this matter, as well as the Notice of Appeal filed by the Appellant, under letter to the Registrar dated August 4, 2022. I then mailed copies of the OH&S Officer's File by Canada Post Corporation to the Appellant and the Respondent on August 18, 2022.
3. On October 24, 2022, I emailed both the Appellant and the Respondent advising that I had not had a reply from either of the parties to the information sent to them on August 18th 2022. I notified them that the next step in the appeal process was to hold a Pre-Hearing Meeting and I provided dates when I would be available. I then asked that they notify me of dates when they would be available for a Pre-hearing Meeting outlining what would be on

the Agenda. The Respondent replied to my email and listed dates when he would be available, but the Appellant did not. There was no response from the Appellant.

4. On November 4th, 2022 I again emailed the Appellant asking that she respond and advise me whether or not she wished to proceed with this matter. I informed her that if I did not hear from her within 15 days, I would send a Registered Letter with the same request. If she did not respond to the Registered Letter with 15 days, I would then regard her non-action as a failure to prosecute and the file would be closed. The Appellant did not respond.
5. On November 29th, I telephoned the Appellant using the phone number that was listed on her contact information I received when I was selected as Adjudicator. I did not receive an answer but left a message addressed to the Appellant on the answering device. There was no response to my message.
6. On January 10th, 2023, I sent a Registered Letter to the address of the Appellant provided in her contact information advising that if the Appellant did not respond within 15 days, I would file a Notice of Failure to Prosecute. To date, I have not had a response to any of the emails or written correspondence sent to the Appellant.

III. CONCLUSION

7. In conclusion, in view of the above information, I have shown that numerous attempts were made to contact the Appellant regarding proceeding with her appeal; however, no response was received from her to the emails, letter and phone call. The Appellant has therefore failed to prosecute her Appeal.

IV. ORDER

8. Accordingly, Kelsey Philips' appeal is hereby dismissed.

ISSUED 30TH day of January, 2023.

MEWeston

Marlene Weston, Adjudicator