

Date: 20090916

File: 166-02-37480

Citation: 2009 PSLRB 112



*Public Service
Staff Relations Act*

Before an adjudicator

BETWEEN

JOSIANNE MOREAU

Grievor

and

**TREASURY BOARD
(Canada Border Services Agency)**

Employer

Indexed as
Moreau v. Treasury Board (Canada Border Services Agency)

In the matter of a grievance referred to adjudication pursuant to section 92 of the
Public Service Staff Relations Act

REASONS FOR DECISION

Before: Georges Nadeau, adjudicator

For the Grievor: Herself

For the Employer: Nadine Perron, counsel

Heard at Montreal, Quebec,
September 8, 2009.
(PSLRB Translation)

Grievance referred to adjudication

[1] On March 23, 2005, Josianne Moreau, the grievor, grieved the termination of her employment as a customs inspector at the Canada Border Services Agency (“the employer”). The grievance was referred to adjudication on March 1, 2007, under the provisions of the *Public Service Staff Relations Act*, R.S.C. 1985, c. P-35 that permit a grievance about disciplinary action resulting in termination to be referred to adjudication.

[2] On August 26, 2009, the employer contested the adjudicator’s jurisdiction to hear this grievance by indicating that Ms. Moreau was not terminated for disciplinary reasons but rather that she was rejected on probation. The Public Service Labour Relations Board (“the Board”) forwarded the objection to Ms. Moreau to allow her to respond. Ms. Moreau did not respond to the Board. All attempts to reach her by mail or by telephone failed. On the morning of September 8, 2009, the date set for the first day of the hearing, Ms. Moreau did not show up, and an attempt to reach her also failed. In addition, the employer advised me that attempts to reach Ms. Moreau in the days before the hearing had also been unsuccessful.

[3] Ms. Moreau obviously does not intend to pursue the adjudication of her grievance. Because she did not inform the Board, the employer and the Board were subjected not only to the inconvenience of her absence but also to the costs of the hearing.

[4] Ms. Moreau’s lack of courtesy is deplorable.

[5] For all of the above reasons, I make the following order:

(The Order appears on the next page)

Order

[6] The grievance is dismissed.

September 16, 2009.

PSLRB Translation

**Georges Nadeau,
adjudicator**