

Public Service Staff
Relations Act



Before the Public Service
Staff Relations Board

BETWEEN

JOHN RICHARD McELREA

Grievor

and

**TREASURY BOARD
(Industry Canada)**

Employer

Before: Philip Chodos, Vice-Chairperson

For the Grievor: Pascale-Sonia Roy, Counsel and
Lyette Babin, Professional Institute of the Public Service of Canada

For the Employer: Kathryn A. Hucal, Counsel

Heard at Ottawa, Ontario,
June 9, 1999

DECISION

At the commencement of this hearing counsel for the employer advised that the employer would not be submitting any evidence in respect of this matter. In response, counsel for the grievor made a motion for non suit. In effect counsel requested that since the employer was submitting no evidence, the grievor had no case to meet, and therefore, the grievance should be upheld. The parties were then informed that, in light of the fact that the employer has the burden of proof, the request of the grievor is granted. The employer is directed to compensate the grievor for all lost wages and benefits resulting from his 10 day suspension.

**Philip Chodos,
Vice-Chairperson**

OTTAWA, June 14, 1999.