

January 29, 2004

DECISION OF THE APPEAL PANEL  
OF THE JA PLAN (ALBERTA) APPEAL BOARD  
IN THE MATTER OF  
CO-BOILER CLADDING, RUTH LAKE, FORT MCMURRAY, AB.  
NSL CONSTRUCTORS INC./WOOD BUFFALO INSULATING LTD.  
JA FILE 0402

The appeals application was made by Mr. Hardy Jensen on behalf of IAHFIAW LOCAL 110 on January 19, 2004.

Respondent is Gregory Reed, on behalf of Sheet Metal Workers International Association LOCAL 8.

The appeals panel was convened on January 26th, 2004 and documents were distributed, followed by discussions on January 27th, 28th and 29th to review the appeal.

The appeals panel consists of: Harold Taylor, Chair  
Hank Blakley, Panel Member  
Doug Millner, Panel Member

The appeals panel reviewed the file including two preliminary objections.

- A. The application of the appeal was not signed. The panel accepts this as an oversight and reminds all parties that attention to details is essential.
- B. Failure to comply. The umpire has stated his reason for not allowing a reconsideration was noncompliance. This is very specific in the rules and the panel agrees that without compliance no further action may be taken. However, when the panel investigated this, it was stated by both unions no further work had taken place since the umpires ruling and the contractor had talked to sheet metal contractors in the area. With this knowledge and for the sake of expedience, the panel would review the evidence knowing full well, if there was no compliance any decision by this panel would be mute.

APPEAL PANEL DECISION

The panel reviewed the evidence put forward by the appellant, Insulator 110, requesting the umpires decision of December 22, 2003 be overturned. In reviewing the evidence put forward at the umpire's hearing and that put forward for the appeal, the panel found no evidence to compel them to alter the decision of the umpire. Therefore, the appeal fails, the umpire's decision stands. Costs for the appeal to be borne by the Insulators 110.

Signed at Calgary, Alberta, this 29th day of January, 2004.



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Harold Taylor  
Chair, Appeal Panel

DISTRIBUTION  
All Parties.