

July 2, 2004

DECISION OF THE APPEAL PANEL
OF THE JA PLAN (ALBERTA) APPEAL BOARD
IN THE MATTER OF
GENESEE POWER GENERATOR/FLY ASH CHUTES AND VALVES FROM ASH
SILO TO ASH UNLOADER
JA FILE 0406

The appeals application was made by Larry Matychuk on behalf of UA Local 488

Respondents are Bob Hugh, Millwrights Local 1460, Harry Tostowaryk, Iron Workers,
Bob Dickson, Jacobs Catalytic Ltd., and Terry Burton, Jacobs Catalytic
Ltd.

The appeals panel was convened on June 24, 2004 and documents were distributed,
followed by discussions on June 25, 28, and 29th to review the appeal.

The appeals panel consists of: Harold Taylor, Chair
Norman Pon, Panel member
Bud Milner, Panel member

The appeals panel reviewed the applicant's reason for the appeal and the evidence
presented to substantiate the appeal. They also reviewed the umpire's original award,
0404 and the evidence submitted by all parties. Finally, they reviewed the umpire's
decision on reconsideration 0405.

The evidence presented by all parties is articulated and thorough and shows that a great
deal of effort was put into the submissions and equally so, the decisions of the umpire are
thorough and thoughtful. Therefore, the appeal panel felt a hearing was not necessary.

The decision of the appeal panel:

There was no substantial error, in fact or law and the umpire was within his jurisdiction by widening his view to include work of similar nature when making his decision, based on prevailing practice.

Therefore, the appeal fails. The umpire's decision stands. Cost of the appeal To be borne by the UA Local 488.

Signed at Calgary, Alberta, this 2nd day of July, 2004.



Harold Taylor
Chair, Appeal Panel

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All Parties.