

**EDUCATION
LABOUR
RELATIONS
COUNCIL**

ARBITRATION AWARD

Commissioner: L. MARTIN
Case No.: PSES270-05/06
Date of Award: 16 SEPTEMBER 2005

In the ARBITRATION between:

D.F. CLAASSEN

(Union / Applicant)

and

DEPARTMENT OF EDUCATION – WESTERN CAPE

(Respondent)

Union/Applicant's representative: UNREPRESENTED _____
Union/Applicant's address: P.O. BOX 59 _____
ASHTON _____
6715 _____
Telephone: 023X6152003 _____
Telefax: 023X6153387 _____

Respondent's representative: I. FEBRUARY _____
Respondent's address: PRIVATE BAG X9114 _____
CAPE TOWN _____
8000 _____
Telephone: 021X4672950 _____
Telefax: 021X4258612 _____

PARTICULARS OF PROCEEDINGS AND REPRESENTATION

The arbitration took place at the offices of the Department of Education - Western Cape in Cape Town on 14 September 2005. The respondent, the Department of Education - Western Cape, was represented by Ms. I. February, its labour relations officer. The applicant, Mr. D. F. Claassen, was not represented.

The file record of the Education Labour Relations Council (ELRC) shows that the applicant was timeously and properly served the notice of set down of these proceedings on 12 July 2005.

Having satisfied myself that the applicant had been properly notified of these proceedings I proceeded with the arbitration in the absence of the applicant party.

SUMMARY OF EVIDENCE AND ARGUMENT

The respondent handed into evidence a letter forwarded to it from the applicant and dated 5 September 2005.

ANALYSIS OF EVIDENCE AND ARGUMENT

The evidence shows that the applicant has communicated to the respondent that he intends withdrawing this matter. This is however not a properly constituted withdrawal of this matter as no such formal communication thereof has been forwarded to the Education Labour Relations Council by the applicant and cannot be accepted as such.

AWARD

In the light of the applicant's failure to attend at the arbitration proceedings I dismiss this application for relief in terms of the provisions of the Labour Relations Act 66 of 1995 as amended.

L.O Martin
Commissioner