

LETTER DECISION  
BCLRB No. B144/2000  
(Leave for Reconsideration of BCLRB No. B76/2000)

March 30, 2000

To Interested Parties

Re: Andre R.J. Henri ("Henri") -and- Industrial Wood & Allied Workers of Canada, (I.W.A. Canada), CLC, Local Number 1-85 (the "Union") -and- MacMillan Bloedel Limited (Franklin Woodlands Division) (the "Employer")  
(Section 12 - Case No. 35582)  
(Application for Reconsideration - Case No. 42086)

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- 1 Henri applies under Section 141 of the *Labour Relations Code* for leave and reconsideration of BCLRB No. B76/2000. In that decision, the original panel dismissed Henri's complaint that the Union breached Section 12 on the basis that his complaint was out of time.
- 2 Under Section 141 of the Code, leave will only be granted where the applicant can satisfy the Board that evidence not available at the time of the original decision has become available; the original decision is inconsistent with the principles expressed or implied in the Code or any other Act dealing with labour relations; or the original panel has acted contrary to the principles of procedural fairness and natural justice. An applicant must demonstrate a good arguable case of sufficient merit that it may succeed on one of these three grounds for reconsideration: *Brinco Coal Mining Corporation*, BCLRB No. B74/93 (Leave for Reconsideration of BCLRB No. B6/93), (1994), 20 CLRBR (2d) 44, 93 CLLC ¶16,043. The applicant must raise a serious question as to the correctness of the original decision.
- 3 We have carefully reviewed the original decision, the original file and Henri's application. We are satisfied that Henri's application does not raise a serious question as to the correctness of the original decision.

4 His application for leave is denied.

LABOUR RELATIONS BOARD

**"FRANCES R. WATTERS"**

FRANCES R. WATTERS  
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ROBERT PEKELES  
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SHARON KEARNEY  
VICE-CHAIR

Interested Parties:

Andre R.J. Henri  
4492 Bute Street  
Port Alberni BC V9Y 3N2

Industrial Wood and Allied Workers of Canada (I.W.A.  
Canada), CLC, Local Union Number 1-85  
4904 Montrose Street  
Port Alberni BC V9Y 1M3  
ATTENTION: Monty Mearns

Banister & Company  
Barristers and Solicitors  
Marine Building  
670 - 355 Burrard Street  
Vancouver BC V6C 2G8  
ATTENTION: Sandra I. Banister (Counsel for the Union)

MacMillan Bloedel Limited  
925 West Georgia Street  
Vancouver BC V6C 3L2  
ATTENTION: Jean Martel

Fasken Martineau DuMoulin LLP  
Barristers and Solicitors  
2100 - 1075 West Georgia Street  
Vancouver BC V6E 3G2  
ATTENTION: Gregory J. Heywood (Counsel for the Employer)