

Case No.: 2003-30

Canada Labour Code
Part II
Occupational Health and Safety

Ken Collier
appellant

and

Department of National Defence
respondent

Decision No.: CAO-07-001
February 5th, 2007

This case was decided by Appeals Officer Katia Néron.

For the Appellant

Bettina Quistgaard, Counsel
Dave Gorton, Union President

For the Respondent

Rosalie Armstrong, Counsel, Legal Services – Treasury Board of Canada Secretariat
Donald Howard, Formation Fire Services, Department of National Defence

Health and Safety Officer

Glen Grandy, Health and Safety Officer, HRDC Labour Program

- [1] This case concerns an appeal made on March 30th, 2003 by Dave Gorton, Union President on behalf of Ken Collier, employee of Department of National Defence, under subsection 129(7) of the *Canada Labour Code*, Part II.
- [2] The decision of no danger rendered by health and safety officer (HSO) Glen Grandy followed upon a refusal to work by Mr. Collier on February 19th, 2003, concerning the requirements to take the Fire Fighters Physical Fitness Maintenance Program Evaluation.

- [3] On January 15th, 2007, Mr. Collier sent an email to this Office indicating that he was withdrawing his appeal.
- [4] Considering the written request to withdraw the appeal and having reviewed the file, I accept and declare this case closed.

Katia Néron
Appeals Officer

Summary of Appeals Officer's Decision

Decision No.: CAO-07-001

Appellant: Ken Collier

Respondent: Department of National Defence

Key Words: Withdrawal, Fire Fighters Physical Fitness Maintenance Program Evaluation

Provisions: *Canada Labour Code*: 129(7)

Summary:

On March 30th, 2003, Mr. Dave Gorton, Union President representing Mr. Ken Collier, appealed a decision of no danger rendered by HSO Grandy. On January 15th, 2007, Mr. Ken Collier withdrew his appeal. The case is therefore close.