

INDUSTRIAL TRIBUNAL

**COURT #1 SAFFREY SQUARE, EAST & BAY STREET, NEW PROVIDENCE,
COMMONWEALTH OF THE BAHAMAS**

Before

**MRS. INDIRA N. DEMERITTE-FRANCIS (PRESIDENT)
(SITTING ALONE)**

JAMES BASTIAN

APPLICANT

**BOOMERANG GEORGE #1 HEAVY
EQUIPMENT (GEORGE AMBRISTER)**

RESPONDENT

ORDER

APPEARANCES

For the Applicant

Mr. Errol McKinney
Representative
EM & Associates
Suit 5 Colonial Hill Plaza
72 University Drive

For the Respondent

Mr. Anthony McKinney, KC
Attorney
McKinney Turner & Co.
Nassau, Bahamas

WHEREAS:

- (1) By Certificate of Referral dated August 20, 2021 the Minister referred the subject dispute to the Industrial Tribunal; and
- (2) In accordance with Rule 3 (1) of the Industrial Relations (Tribunal Procedure) Rules, 2010 a Notice for an Originating Application – Form A was sent on September 1, 2021 to the Applicant by the Secretary to the Tribunal; and
- (3) Upon receipt by the Applicant of the Notice for an Originating Application the Applicant filed an Originating Application in the Tribunal November 8, 2021; and
- (4) A Notice of Application to the Respondent – Form C and a Notice of Appearance - Form D was sent to the Respondent on November 9, 2021; and
- (5) That no Notice of Appearance - Form D was filed in the Tribunal and no Defence –Form E was filed in the Tribunal by the Respondent; and
- (6) Pursuant to Rule 15(1) of the Industrial Relations (Tribunal Procedure) Rules 2010, the Industrial Tribunal set a fixture on July 7, 2022 for the Case Management Hearing for Directions; and
- (7) That Mr. Errol McKinney appeared for the Applicant and Mr. Anthony McKinney, KC appeared for the Respondent for the Case Management Hearing; and
- (8) During that Case Management Hearing the parties asked for an opportunity to have settlement discussions; and
- (9) That the Applicant filed into the Tribunal Notice of Withdrawal - Form K on October 26, 2022; and

THE DECISION OF THE TRIBUNAL IS AS AGREED AND THEREFORE IT IS SO ORDERED:

- (10) The Originating Application filed in the Industrial Tribunal on November 8, 2021 is decided accordingly pursuant to Rule 12(1)(a) of the Industrial Relations (Tribunal Procedures) Rule 2010 and is hereby Withdrawn and is Dismissed.

AND THIS IS THE DECISION OF THIS TRIBUNAL

DATED THIS October 26, 2022

Indira N. Demeritte – Francis
President
Industrial Tribunal