SUPREME COURT OF YUKON

Citation: *Yukon Human Rights Commission and March* v. *Yukon Human Rights Board of Adjudication and Yukon Government,* 2009 YKSC 39

Date: 20090424
Docket No.: 07-AP009
Registry: Whitehorse

In the Matter of the Yukon *Human Rights Act*,
R.S.Y. 2002, c. 116, section 28

And

In the Matter of Appeal of the Decision of the Human Rights Board of Adjudication in the Complaint of *Darrell Vincent March* v. *Ed Huebert & Yukon Government*

BETWEEN:

YUKON HUMAN RIGHTS COMMISSION and DARRELL V. MARCH

APPELLANTS

AND:

YUKON HUMAN RIGHTS BOARD OF ADJUDICATION
and YUKON GOVERNMENT

RESPONDENTS

Before: Mr. Justice R. Wong

Appearances:

Susan Roothman	Appearing for the Appellant Yukon Human Rights Commission
Darrell V. March	Unrepresented Appellant
Zebedee Brown	Appearing for the Respondent Yukon Government
Debra Fendrick	Appearing for the Respondent Yukon Human Rights Board of Adjudication

REASONS FOR JUDGMENT
DELIVERED FROM THE BENCH

Introduction

[1] WONG J. (Oral): This is a statutory right of appeal under the Yukon *Human Rights Act* regarding a dismissal by the Yukon Human Rights Board of Adjudication of a complaint of discrimination against a person with mental disabilities, bipolar disorder, by his employer during the course of employment.

[2] At issue is whether the Board of Adjudication erred by non-direction amounting to legal misdirection such that the ultimate finding of non-discrimination cannot be sustained. I have concluded that the Board did not err. These are my reasons.

Background

[3] The three-member panel Board of Adjudication in this case heard 19 full or partial days of evidence and argument from April 23, 2007 to September 25, 2007. Evidence included testimony of 16 witnesses and 454 pages of documentary exhibits. Judgment was then reserved with written reasons issued on November 25, 2007, dismissing the complaint.

[4] The history of this matter and the position of the respective parties are admirably set out in the Board's Reasons which I will now cite extensively. Found between pages 2 and 6 are the following:

> I. What is this complaint about?
>
> This Human Rights complaint is about whether a long-time, senior employee of the Government of Yukon, Darrell March [the "Complainant"] was discriminated against on the basis of his mental disability (bipolar disorder) in the area of employment by his supervisor, Deputy Minister Ed Huebert

[the "DM"] and his employer, Government of Yukon.

7(h) prohibited ground: mental disability),

8 duty to provide for special needs: accommodation to the point of undue hardship; and

9(b) prohibited discrimination in connection with any aspect of employment.

II. Who are the Parties?

The Complainant is Mr. Daryl [sic] March, Acting Assistant Deputy Minister (ADM) of Corporate Services within the Department of Environment at the relevant time, is an employee of the Government of Yukon. Mr. March is a participating self-represented party.

The Respondents, as represented by Mr. Zeb Brown are:

i) Mr. Ed Huebert, Deputy Minister of Corporate Services within the Department of Environment and the Complainant's supervisor at the relevant time of the complaint; and

ii) The Government of Yukon, the employer of both Mr. March and Mr. Huebert at the relevant time of the complaint;

The Yukon Human Rights Commission, as represented by Susan Roothman, carrying the Complaint referred to the Board of Adjudication for determination.

III. What are the circumstances giving rise to the complaint?

Darrell March began work with the Government of Yukon on July 11, 1995 as the Manager of Finance for the Department of Environment.

In March of 1999 Mr. March first experienced a mental health crisis. A series of episodes would lead to his hospitalization and eventual diagnosis as suffering from bipolar disorder with seasonal affect.

Mr. March returned to work in September 2000. At this time he made a presentation to a management meeting about his

bipolar disorder, beginning his proactive education of fellow staff about his medical situation.

Mr. March held temporary project-based jobs for some time before resuming his substantive position. His supervisor, Ms. Joy Waters, accommodated his condition by permitting flexible work arrangements including flexibility scheduling, permission to work from home, allowing more frequent breaks and restructuring of work tasks, including adjusted project deadlines [his "accommodation"].

At the time of the complaint, Mr. March was in a term position as Acting Assistant Deputy Minister of Corporate Services within the Department of Environment. He was in this one-year term position between August 25, 2004, and August 24, 2005. Mr. March had assumed this position on the recommendation of Ms. Waters, the substantive ADM for this position, while she was on leave.

In March 2005, the Complainant advised the Deputy Minister, Mr. Huebert, that he was in a seasonal hypomanic phase and may require greater levels of accommodation, which was recognized by the Deputy Minister. Mr. March continued his regular work routine. On May 26, 2005, Mr. March attended a weekly senior management meeting. At that meeting, issues surrounding an upcoming departmental initiative, GIS or New Directions, were to be discussed. Mr. March criticized the project and challenged the course of action determined by the DM. Mr. Huebert, Deputy Minister for the Department of Environment, characterized Mr. March's behaviour at the meeting as "extremely aggressive," "argumentative," and "disruptive."

In a discussion after the meeting, Mr. Huebert asked Mr. March why he had been so aggressive. Mr. March replied, "I am not aggressive. I am passionate." Mr. Huebert testified that he felt that Mr. March had moved away from a "solution-minded attitude to being very aggressive and judgmental."

On May 27, 2005, Mr. Huebert sent a letter to Mr. March in which he noted: "*It has become very apparent over the past week that you have become unable to perform your duties as Acting ADM, Corporate Planning. I am therefore directing you to be off work immediately. You will be on paid sick leave. I strongly advise you to seek medical assistance.* Further I am a strong supporter of yours, Darrell, and I want to support you in any way I can and help you to return to

work as soon as you are able to. In the meantime, I would like to again say that I feel you need to address your medical condition as soon as possible."

Mr. March saw this letter as "intended to be demeaning in a most appalling way."

On May 27, 2005, Nonie Mikeli, Director of Human Resources for the Department of Environment, on the direction of Mr. Huebert, asked Mr. Klassen, as the Network Administrator "to disable Darrell's computer account." Later that day Mr. March came into Mr. Klassen's office "in an agitated state demanding to know who had authorized me to disable his account," according to Mr. Klassen. Once informed by Mr. Klassen, "this agitated him more" particularly when Mr. Klassen testified "that there was concern expressed about him and his meds." This comment was given in "the context of his behavioural swing and his openness in requesting feedback from staff and friends."

On May 31, 2007, Mr. March saw his family doctor, Dr. Ross Phillips. He did not seek an assessment from Dr. Phillips at this time. Dr. Phillips noted that Mr. March exhibited 'pressure of speech,' a symptom of bipolar disorder but couldn't conclude that Mr. March was in a manic state without further evidence. Mr. March also met with Mr. Jon Breen, of the Workplace Diversity Employment Office, for the first time.

Mr. March met with Dr. Phillips again on June 2, 2007. Dr. Phillips reported that Mr. March was showing elements of hypomania. He placed Mr. March on Respiridone for this reason. Dr. Phillips did not complete a medical report for Mr. March and did not require him to take time off work because, as he testified, Mr. March was already on leave.

On June 8, 2005, Mr. March met with Ms. Mikeli and Mr. Huebert. Without informing the others present, Mr. March tape recorded the meeting. He expressed concerns about his e-mail being cut off and that people were being told to stay away from him as he was on leave. Mr. Huebert stated that he never told people to stay away from him but he did have his e-mail disabled for Mr. March's own protection while he was on medical leave. They agreed to reinstate his access to his e-mail, on the condition that any out-going communications would be copied to Mr. Huebert. Ms. Mikeli e-mailed Mr. Klassen with instructions to this effect.

Mr. March met with Mr. Huebert, Mr. Breen and Michael Hanson, a Staff Development consultant, on June 10, 2005. Mr. March proposed a special assignment (a Yukon-wide tour of all campgrounds) to be conducted during his medical leave as an accommodation to his mental disorder. During the discussions, all agreed there would be value in seeking a psychiatric assessment. In a letter to Mr. March later that day, Mr. Huebert wrote, "I believe that, due to your behaviour exhibited in the workplace over the past three weeks, I would prefer that you remain on leave until you have received an assessment from your psychiatrist."

Due to a series of unforeseeable delays, Mr. March was finally flown to Vancouver at the employer's expense to have his assessment done by his former psychiatrist, Dr. Jaime Smith. On August 10, 2005, Dr. Smith advises Mr. Breen that Mr. March is able to return to work.

In e-correspondence of August 17, 2005, with Mr. Breen, Mr. March notes that he had applied for annual leave from August 17 to September 7, 2005, and would return to work following his annual leave. He also suggests the need for a workplace accommodation; because "it may be inappropriate for me to return to a position directly or indirectly subordinate to Ed until the matter is fully resolved…I will consider temporary assignments in other departments if there is something suited to my background."

Mr. March returned to work and continued to work in various departments other than in his substantive position with the Department of Environment.

Mr. March filed his human rights complaint with the Yukon Human Rights Commission on December 8, 2005, having been unsuccessful in his attempts to informally resolve his concerns to his satisfaction.

During the hearing, the Board also heard evidence related to events subsequent to Mr. March's return to work. It was Mr. March's contention that these events were related to his human rights complaint insofar as he perceived the actions of the employer to be in retaliation to his filing of a human rights complaint.

IV. The Parties' Positions

The parties disagreed as to the extent that the Complainant's bipolar disorder in a hypomanic phase affected his behaviour in the workplace and whether it required him to take mandatory sick leave and of psychiatric assessment.

The Respondent held that the Complainant had been successfully accommodated for six years, that he had openly and extensively educated the people in his work environment to his bipolar disorder, to the point of inviting others to assess his behaviour in any ongoing circumstances and to advise him of any behaviour changes. The Respondent held that the Complainant engaged in "misconduct" whereby his actions were not appropriate for someone in his position. The Respondent alleged his conduct included disruptive, rude, disrespectful and aggressive behaviour. The Respondent held that their actions were in the best interest of the employee and that the consideration of discipline as the appropriate response to the Complainant's behaviour was impossible when he was known to be in a state of hypomania. Further, in light of the fact that he had so vigorously educated his coworkers as to the warning signs characteristic of seasonal affective escalations of the bipolar disorder, the employer could not ignore the potential impact of a medical issue.

The Commission held that the Respondent must show that the only option available was the removal of the Complainant from the workplace, having considered alternatives to this action. Further, the Commission was asking the Board to focus on the discriminatory effect on employees in the absence of a policy in place to manage issues relating to accommodation for employees with mental disabilities.

From the perspective of the employer, the actions of the Complainant during May 2005 were uncharacteristically inappropriate. Under most circumstances, disciplinary action would have taken place. The Respondent argued that because they knew of the Complainant's bipolar disorder, they were required to consider whether or not the inappropriate behaviour was subject to discipline only after determining it was not arising out of his disability.

The Complainant argued that the employer should have applied disciplinary action as would have been applied to

any other employee, so that he had the opportunity to challenge it. Mr. March's perspective in this instance was that he was entitled to be treated as any other employee.

The Commission argued that the employer's actions arose out of a stereotypical reaction to a mental disability, rather than procedural compliance.

There was no issue during the proceedings as to whether or not Mr. March's bipolar disorder constituted a disability.

As well, there was no dispute over the duty to accommodate a person with special needs if those needs arise from a disability as envisioned in the Act.

It is discrimination under the Yukon *Human Rights Act* to treat an individual unfavourably on the grounds of physical or mental disability [section 7(h)]. Under the Act it is the employer's responsibility to accommodate a person with special needs if those needs arise from a disability (section 8); and discrimination "in connection with any aspect of employment or application for employment" is also prohibited under the Act [section 9(b)].

The issue the Board of Adjudication was asked at the outset of the hearing to decide is whether the Complainant was discriminated against on the basis of his mental disability, bipolar disorder with seasonal affect, when the Complainant's direct supervisor, Mr. Ed Huebert, acting on behalf of the employer, removed Mr. March from the workplace and placed him on mandatory sick leave on May 27, 2005, pending medical assistance. This followed an incident at the Yukon Department of Environment senior staff meeting of May 26, 2005.

This directive to Mr. March was amended by Mr. Huebert on June 10, 2005, 14 days later, to "I would prefer that you remain on leave until you have received an assessment from your psychiatrist." The Complainant initially contended that it was at this point that the discrimination was alleged to have taken place.

Arising from the opening statements, the Commission brought a Motion to Amend the Date of Contravention in the Complaint Text to be read as "ongoing." The Complainant believed that the Respondent not only discriminated against him, but that there was ongoing retaliation. The Board

granted the Motion to amend, recognizing the scope of the complaint to which the Respondent wished to hold the matter - the specific events of the single day of June 10, 2005, was not reasonable. The Board reserved the right to hear evidence and make the determination as to what would be relevant to the complaint and what would be held outside the scope of "ongoing."

[5] In the Reasons at Part B) at pages 10 and 11, the following is found:

> B) Are the actions of the employer discrimination? Those actions are identified in this case as the mandatory leave, the Complainant's isolation from the workplace and the requirement for psychiatric assessment.
>
> There was testimony that Mr. Huebert was responding to concerns about the performance and behaviour of Mr. March as raised by others, both coworkers and contacts involved in some of his projects outside of the government. Some of those contacts were related to politically sensitive negotiations. Some evidence was presented that even when directed to stop, Mr. March continued to pursue his activities. He continued to pursue his agenda; after having been placed on leave, he continued to contact coworkers and project contacts outside of work; he attempted to use his e-mail account on the weekend. Mr. March contacted at least one co-worker by cell phone and directed that they report to him downstairs in the parking lot as he was not allowed in the building.
>
> Mr. March did not provide medical substantiation from his doctor to allow his employer to accept he had sought medical attention as required in the key letter of May 27, 2005.
>
> Although Mr. March had been seen a number of times by his physician between May 27 and June 10, there was no evidence that Mr. March had requested a medical note, or personally reported to his employer that he had complied in seeking medical attention. Further, no reasons were provided to the Board as to why these medical appointments were not reported.
>
> There was no evidence that Mr. March addressed his bipolar hypomanic phase with his physician when the employer

> modified the requirement for return to work to psychiatric assessment. The question arising is, if Mr. March's primary intent was to return to work, why did he not provide a note from his physician with whom he had several appointments between the May 27 letter and the June 10 letter? His failure to meet the initial request of the employer is, in the opinion of the Board, a failure to mitigate his situation.
>
> The Board received evidence that Mr. March suffered no financial loss during the time of his leave. Arguments were made that the leave was not properly allocated between 'medical' versus 'annual' leave.
>
> The employer, Government of Yukon, continues to accommodate Mr. March with temporary assignments in departments other than his substantive position in the Department of Environment.

[6] Also at page 11 in Part C is the following:

> C. Has the Respondent taken reasonable steps to accommodate the Complainant at all times to the point of undue hardship?
>
> It should be noted that the Yukon *Human Rights Act* specifies that the duty to provide for special needs is limited to needs which "arise from physical disability". The Board does not believe that an employer's responsibility for accommodation is limited to physical disability. Certainly, case law would hold that accommodation is required for all disabilities.
>
> Undue hardship in the Yukon *Human Rights Act* can be determined by balancing the advantages and disadvantages of the provisions by reference to factors such as safety, disruption to the public, effect on contractual obligations, financial cost and business efficiency.
>
> If Mr. March with his recognized bipolar disorder condition had been subject to disciplinary actions because of the events of May 26, 2005, there might have been a *prima facie* case for failure to accommodate on the basis of mental disability. However, he was not disciplined. His employer initially put him on sick leave pending 'medical assistance'.
>
> The evidence was that in the absence of a medical report,

> and because of the Complainant's refusal to stay away from work and work duties, the employer amended the directive to the employee to require a psychiatric assessment prior to returning to work. While Mr. March was treated "differently," the evidence is that the employer determined that medical issues required such differential treatment.

[7] At pages 12 and 13 in Part D., the following is also found:

> D. Did the absence of a Policy regarding employees with mental disability adversely affect the Complainant?
>
> Mr. Hanson noted that Sun Life administers the long-term disability plan for the Government of Yukon. While he sees a consistent corporate approach toward accommodation of employees with physical disabilities, there are no specific, set guidelines, policies or procedures in place for employees with mental disabilities.
>
> The General Administration Manual of the Government of Yukon notes in the section 'Accommodating Employees with Disabilities' that "the Public Service Commission will conduct a review of this policy and accompanying procedures by March 2007. The review will evaluate the effectiveness of the policy in meeting employee and department needs with respect to the duty to accommodate employees with disabilities."
>
> The Board was presented no evidence that such a review has been started or concluded, or any anticipated outcomes.

[8] Parenthetically, I should add that at this appeal hearing I was informed that the Yukon Government has now prepared a draft protocol on policy and procedure soon to be issued.

[9] The Board then concludes:

> In any event, can it be said unequivocally that if the employer had appropriate policy in place to manage employees with mental disabilities, this case would not have occurred?

[10] Finally, at Part VIII. of the Reasons at pages 13 and 14, the following reads:

> VIII. The Yukon Human Rights Board of Adjudication's conclusion regarding the Complaint.
>
> The Yukon Human Rights Board of Adjudication finds no evidence of discrimination in this case. The evidence shows that Mr. March was accommodated to the point of undue hardship and his employer continues to provide accommodations.
>
> The Board confirms that in any case where a medical issue may or could be responsible for an employment issue, the employer must confirm that the employee's health and safety is addressed. To do so is clearly is in the best interest of that employee as well as the safety and productivity of coworkers in the workplace. It is clear that an employer's inattentiveness could lead to greater harm and substantially increase the vulnerability of the employee(s) and liability of the employer.
>
> It appears from the evidence that the proactive efforts of the employer were undermined by the lack of a consistent policy for dealing with the Complainant's suffering from a mental disability but not to the extent of impairing the employee's rights.
>
> There was no retaliatory activity on the part of the employer following the Complainant's return to the workplace. The Board determined that the scope of the complaint was to the point of the e-correspondence of the psychiatrist indicating Mr. March was able to return to work without reservation. Evidentiary links between the Complaint and the events between the employer and the Complainant after his return to work were not proven.
>
> Mr. March suffered no direct financial loss as a result of the actions flowing from the May 26, 2005, incident. The evidence was that he continued to receive his pay at the scale of his acting position until the ADM returned early from her leave of absence.
>
> The allegations that Mr. March was isolated from his workplace cannot be verified by the evidence insofar as the medical testimony of Dr. Phillips is that Mr. March was away from work extensively, and that time away from work was, in actuality, the primary treatment plan for managing Mr.

> March's mental disability and stressors. Further, the accommodations required by Mr. March were of the nature that he was isolated from his coworkers by flex hours, weekend working hours and working from home.

[11] Finally, the Board stated this:

> The Board acknowledges the tenacity of Mr. March in bringing his concerns about the lack of consistent policy in managing employees with mental health issues into the human rights forum. He should be proud of his efforts and accomplishments that instilled such respect of his employer and general departmental awareness of bipolar disorder and its employment implications, along with the need to appropriately accommodate on the basis of a mental disability versus jumping to discipline.
>
> As Mr. March himself advised the Board, his goal was to bring the issue to light and make things better for all government employees. The heightened awareness within the Government of Yukon of the needs of employees with mental disabilities resulting from this case should serve as validation of his efforts.

The Law and Analysis

[12] The legal framework for assessing claims of discrimination is well established.

1. When discrimination is alleged, the complainant must first establish a *prima facie* case of discrimination. A *prima facie* case is made out when the complainant presents evidence that covers the allegations made and which, if believed, is complete and sufficient for a decision in favour of the complainant in the absence of an answer from the respondent.
2. Once a *prima facie* case is established, the onus then shifts to the respondent to provide a satisfactory explanation that demonstrates either

that the conduct did not occur as alleged or was non-discriminatory. If a reasonable explanation is provided by the respondent, it is up to the complainant to demonstrate that the explanation is merely a pretext for discrimination.

3. Conduct may be found to be non-discriminatory if the employer establishes that it is based on a *bona fide* occupational requirement. A *bona fide* occupational requirement is a rule or practice established in the honest belief that it is necessary to accomplish a valid workplace goal. A requirement will qualify as a *bona fide* occupational requirement only if the employer establishes that accommodation of the individual needs would impose undue hardship considering health, safety and cost.

4. In determining whether a *bona fide* occupational requirement has been established, the principle is set out by the Supreme Court of Canada in *British Columbia (Public Service Employee Relations Commission)* v. *British Columbia Government and Service Employees' Union (B.C.G.S.E.U.),* [1999] 3 S.C.R. 3, commonly known as *Meiorin*. These principles are found at para. 54, and I quote:

> Having considered the various alternatives, I propose the following three-step test for determining whether a prima facie discriminatory standard is a BFOR. An employer may justify the impugned standard by establishing on the balance of probabilities:
>
> (1) that the employer adopted the standard for a purpose rationally connected to the performance of the job;
>
> (2) that the employer adopted the particular standard in an honest and good faith

> belief that it was necessary to the fulfilment of that legitimate work-related purpose; and
>
> (3) that the standard is reasonably necessary to the accomplishment of that legitimate work-related purpose. To show that the standard is reasonably necessary, it must be demonstrated that it is impossible to accommodate individual employees sharing the characteristics of the claimant without imposing undue hardship upon the employer.

[13] The main thrust of this appeal advanced by the Commission is that the Board did not expressly address at the outset of the Reasons the legal requirement under the *Human Rights Act* that once a person with mental disabilities, bipolar disorder, is initially imposed with unfavourable treatment by his employer, mandatory leave and an isolation from the workplace, there is a *prima facie* or presumptive workplace discrimination which must be accommodated by his employer to a point short of undue hardship.

[14] It was submitted that the Board instead placed undue emphasis on accommodation attempts by the employer and thus shifted the ultimate onus of proving discrimination in terms of adverse treatment on the complainant, even though he has the initial benefit of a legal cloaking of presumed discrimination.

[15] The respondent's position is that the Board was alive to the complainant's legal presumptive position as an implicit given, but conflated its analysis to the main issue, whether the employer took reasonable and sufficient steps in these circumstances to accommodate the employee.

[16] The respondent submitted that the Board of Adjudication reasoned through the case as follows:

1. Employers are entitled to set standards of conduct. March's conduct was public and escalating and March denied that it was inappropriate.
2. March's misconduct could not be ignored but also it could not be disciplined since the Government was aware of a possible medical cause of the misconduct. March was therefore placed on paid leave as an alternative that addressed the employer's concern and protected March.
3. The Government was aware of March's bipolar condition and knowledgeable about the condition. It had successfully accommodated March for six years and has continued to do so since the events in question. The Government was not motivated by stereotyping but by a genuine effort to determine if the bipolar condition was implicated in the misconduct.
4. The Government was initially prepared to accept minimal assurances from March's family physician. March offered no explanation for his failure to request a note from his family physician at the appointments on May 31st and June 2nd. The request for a psychiatric assessment followed March's failure to comply with and possibly ongoing defiance of his employer's directions.

[17] It was further submitted that throughout the events March refused to acknowledge that there was anything wrong about his conduct and he insisted that his bipolar condition played no role in it and that he required no accommodation. The Board

correctly recognized that the Government was cautiously and sensitively working through a very difficult employment situation.

[18] It must be remembered that the essence of discrimination is arbitrary, negative treatment. The fact that March has characteristics of a protected group did not, in and of itself, preclude the Government from addressing workplace misconduct.

[19] Discrimination arises only where there is a causal connection between the protected characteristics and the actual arbitrary, negative treatment. The Government was under a positive duty to seek out medical information and was entitled to request a medical assessment before March returned to work.

[20] If one views the Board's ultimate conclusion and result as one of employer accommodation neutralizing the initial presumptive discrimination but expressly stating, in this case, that the complainant has ultimately failed to establish discrimination amounts to the same.

[21] Accordingly, I conclude that the Board's analysis is not one of egregious non-direction amounting to fatal misdirection of law. The error in this case was therefore inconsequential and would not have any effect on the outcome of the hearing so as to justify setting aside the Board's decision.

[22] With respect to Mr. March's desire to be re-credited with his loss of medical leave time ordered to be utilized by the Deputy Minister, Mr. Huebert, between May 27th and August 15th, 2005, as the medical expert's opinions as to whether hypomania was definitively implicated in Mr. March's acting out behaviour at the May 26, 2005 meeting

were equivocal, and I think at this time a conundrum, I think it only fair that Mr. March be given the benefit of the doubt and recommend that his loss of medical leave time between those dates be returned to him.

Conclusion

[23] Accordingly, for the reasons previously stated, the appeal is dismissed.

[24] I will hear from counsel if there is an issue of costs.

[25] MR. BROWN: The Government is not seeking costs, My Lord.

[26] THE COURT: I beg your pardon?

[27] MR. BROWN: The Government is not seeking costs.

[28] THE COURT: All right. In that case, each party will bear their own costs. I am grateful to counsel for their helpful assistance in this case.

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WONG J.