

STATE OF NEW YORK  
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of: :  
 :  
LUPING HUANG A/K/A LUPING HUANG- :  
FERREIRA AND AMAZING TOUCH SPA INC., :  
 : DOCKET NO. PR 15-159  
 :  
Petitioners, :  
 : RESOLUTION OF DECISION  
 :  
To Review Under Section 101 of the Labor Law: An :  
Order to Comply with Article 19 and an Order Under :  
Articles 5, 6, and 19 of the Labor Law, both dated :  
March 31, 2015, :  
 :  
 :  
- against - :  
 :  
THE COMMISSIONER OF LABOR, :  
 :  
Respondent. :  
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**APPEARANCES**

Luping Huang, petitioner pro se, and for Amazing Touch Spa Inc.

Pico Ben-Amotz, General Counsel, NYS Department of Labor (Roya Sadiqi of counsel), for respondent.

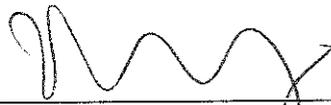
**WHEREAS:**

1. The above proceeding was commenced by the filing of a petition for review pursuant to Labor Law § 101 and Part 66 of the Industrial Board of Appeals' Rules of Procedure and Practice (Rules) (12 NYCRR Part 66) on May 22, 2015; and
2. Respondent Commissioner of Labor filed an answer to the petition on July 24, 2015; and
3. Upon notice by the Board to the parties a hearing was held on June 22, 2016, and adjourned to September 26, 2016 so that petitioners could retain counsel; and
4. Petitioners failed to attend or otherwise appear at the adjourned hearing date on September 26, 2016; and
5. Pursuant to Labor Law § 103 and Board Rule 65.30, the burden of proof is on petitioners to prove that the orders under review are not valid or reasonable; and

6. Pursuant to Board Rule 65.24, "the failure of a party to appear shall be deemed a waiver of all rights except the rights to be served with a copy of the decision of the Board and to request Board review" pursuant to Rule 65.41, unless application for reinstatement is made within five days after the scheduled hearing; and
7. Petitioners have not made any application for reinstatement.

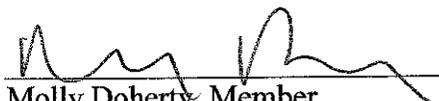
**NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:**

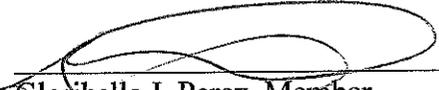
This proceeding be, and the same hereby is, dismissed in accordance with the Board's Rules.

  
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Vilda Vera Mayuga, Chairperson

  
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J. Christopher Meagher, Member

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Michael A. Arcuri, Member

  
\_\_\_\_\_  
Molly Doherty, Member

  
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Gloribelle J. Perez, Member

Dated and signed by the Members  
of the Industrial Board of Appeals  
in New York, New York  
on October 26, 2016.