

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., :
 :
 : Petitioners, :
 :
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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DOCKET NO. PR 15-159
RESOLUTION OF DECISION

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.

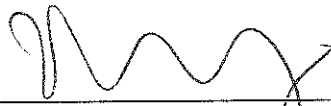
WHEREAS:

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

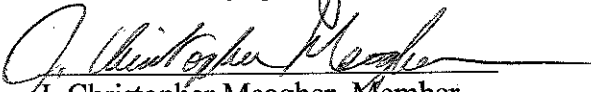
6. Pursuant to Board Rule 65.24, "the failure of a party to appear shall be deemed a waiver of all rights except the rights to be served with a copy of the decision of the Board and to request Board review" pursuant to Rule 65.41, unless application for reinstatement is made within five days after the 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.



Vilda Vera Mayuga, Chairperson



J. Christopher Meagher, Member

Michael A. Arcuri, Member



Molly Doherty, Member



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.