

STATE OF NEW YORK  
INDUSTRIAL BOARD OF APPEALS

-----X  
In the Matter of the Petition of: :  
 :  
ANTHONY ANTON (T/A TONY’S PIZZA), :  
 :  
 : Petitioner, : DOCKET NO. PR 15-328  
 :  
 :  
To Review Under Section 101 of the Labor Law: An : RESOLUTION OF DECISION  
Order to Comply with Article 19 and an Order Under :  
Articles 5 and 19 of the Labor Law, both dated August :  
19, 2015, :  
 :  
 : - against - :  
 :  
THE COMMISSIONER OF LABOR, :  
 :  
 : Respondent. :  
-----X

**APPEARANCES**

Peter Mammis, Esq., for petitioner.

Pico Ben-Amotz, General Counsel, NYS Department of Labor (Taylor A. Waites, JD), for respondent.

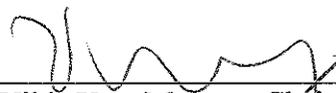
**WHEREAS:**

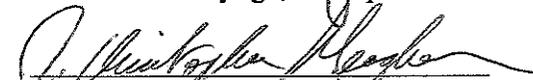
1. The above proceeding was commenced by the filing of a petition for review pursuant to Labor Law § 101 and Part 66 of the Industrial Board of Appeals’ Rules of Procedure and Practice (Rules) (12 NYCRR Part 66) on October 15, 2015; and
2. Respondent Commissioner of Labor (Commissioner) filed an answer to the petition on December 1, 2015; and
3. Upon notice by the Board to the parties issued on June 15, 2016, a hearing was scheduled for September 15, 2016. The notice was sent to petitioner, care of his attorney Peter Mammis, at 4802 25<sup>th</sup> Avenue, Suite 304B, Astoria, New York 11103, the attorney’s address of record with the Board; and
4. Petitioner and his attorney failed to attend or otherwise appear at the hearing; and

5. Pursuant to Labor Law § 103 and Board Rule 65.30, the burden of proof is on petitioner 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. Petitioner has not made any application for reinstatement.

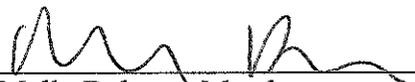
**NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:**

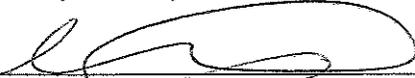
This petition be, and the same hereby is, denied in accordance with the Board’s Rules.

  
\_\_\_\_\_  
Vilda Vera Mayuga, Chairperson

  
\_\_\_\_\_  
J. Christopher Meagher, Member

\_\_\_\_\_  
Michael A. Arcuri, Member

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

  
\_\_\_\_\_  
Gloribel J. Perez, Member

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