

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of:

JIN RONG HUANG (A/K/A JAMES HUANG) AND
DAWN FASHION, INC.,

Petitioners,

DOCKET NO. PR 09-303

To Review Under Section 101 of the Labor Law:
An Order to Comply with Article 19 of the Labor
Law, and an Order Under Articles 6 and 19 of the
Labor Law, each dated September 30, 2009,

RESOLUTION OF DECISION

- against -

THE COMMISSIONER OF LABOR,

Respondent.
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APPEARANCES

Miu & Co. (Louis Miu, CPA), for petitioners.

Pico Ben-Amotz, Acting Counsel, NYS Department of Labor (Larissa C. Bates of counsel),
for respondent.

WHEREAS:

The petition in this matter was filed with the Industrial Board of Appeals (Board) on October 28, 2009, and seeks review of two orders issued by the Commissioner of Labor (Commissioner or respondent) against petitioners Jin Rong Huang (A/K/A James Huang) and Dawn Fashion, Inc. on September 30, 2009. Upon notice to the parties a hearing was held on September 30, 2011, in New York, New York, before Devin A. Rice, the Board's Associate Counsel, and the designated Hearing Officer in this proceeding.

At the hearing, the petitioner's representative made an opening statement, but was unable to present any evidence. The respondent, therefore, made a motion to dismiss the petition, which we grant.

The burden of proof in this proceeding was on the petitioners to show that the order is invalid or unreasonable (Labor Law § 101, 103; 12 NYCRR 65.30). Because the

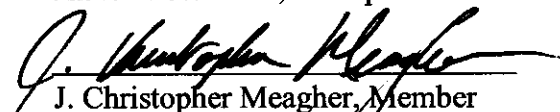
petitioners presented no evidence, they have necessarily not met their burden. Accordingly, the petition is dismissed in its entirety.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

1. The order to comply with Article 19 of the Labor Law, and the order under Articles 6 and 19 of the Labor Law, both dated September 30, 2009, are affirmed; and
2. The petition for review be, and the same hereby is, denied.



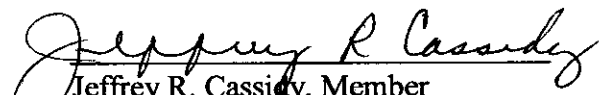
Anne P. Stevason, Chairperson



J. Christopher Meagher, Member

Jean Grumet, Member

LaMarr J. Jackson, Member



Jeffrey R. Cassidy, Member

Dated and signed in the Office
of the Industrial Board of Appeals
at New York, New York, on
January 30, 2012.

petitioners presented no evidence, they have necessarily not met their burden. Accordingly, the petition is dismissed in its entirety.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

1. The order to comply with Article 19 of the Labor Law, and the order under Articles 6 and 19 of the Labor Law, both dated September 30, 2009, are affirmed; and
2. The petition for review be, and the same hereby is, denied.

Anne P. Stevason, Chairperson

J. Christopher Meagher, Member

Jean Grumet, Member



LaMarr J. Jackson, Member

Jeffrey R. Cassidy, Member

Dated and signed by a Member
of the Industrial Board of Appeals
at Rochester, New York, on
January 30, 2012.