

STATE OF NEW YORK  
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of: :

LLESH J. BEQIRAJ AND MENTOR BEQIRAJ (T/A :  
UNIVERSITY PIZZA & RESTAURANT) ALSO :  
(T/A UNIVERSITY PIZZA, LTD.), :

Petitioners, :

To Review Under Section 101 of the Labor Law: :  
An Order to Comply with Article 19, and an Order :  
Under Articles 5 and 19 of the Labor Law, both dated :  
October 26, 2011, :

- against - :

THE COMMISSIONER OF LABOR, :

Respondent. :  
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DOCKET NO. PR 11-393

RESOLUTION OF DECISION  
ON APPLICATION FOR  
RECONSIDERATION

**APPEARANCES**

Mentor Beqiraj, petitioner pro se and for Llesh Beqiraj.

Pico Ben-Amotz, General Counsel, NYS Department of Labor (Benjamin T. Garry of counsel),  
for respondent.

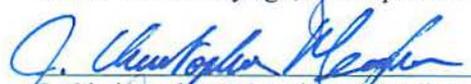
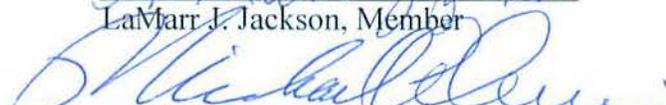
**WHEREAS:**

1. On December 22, 2011, petitioners Llesh J. Beqiraj and Mentor Beqiraj filed a petition with the Industrial Board of Appeals (Board) pursuant to Labor Law § 101 and Part 66 of the Board's Rules of Practice and Procedure (12 NYCRR Part 66) seeking review of two orders issued against them by the Commissioner of Labor (Commissioner) on October 26, 2011; and
2. Upon notice to the parties, hearings were held before the Board on March 11 and April 23, 2014 where each party was afforded a full opportunity to present documentary evidence, examine and cross-examine witnesses, and make statements relevant to the issues; and
3. By written decision dated July 22, 2015, the Board issued a Resolution of Decision affirming the orders in part, revoking them in part, and otherwise denying the petition; and
4. By notice dated August 4, 2015, the Board issued the parties certified copies of its decision, with notice of their right to seek judicial review pursuant to Labor Law § 102; and

5. By letter received by the Board on November 27, 2015, petitioners requested that the Board "review" its decision and set forth various reasons why it was in error for failure to properly weigh the evidence submitted at hearing; and
6. By letter dated February 8, 2016, the Board advised the parties that it would treat the letter as an Application for Reconsideration of its decision pursuant to Board Rule 65.41 (12 NYCRR 65.41) and that any response by the Commissioner must be submitted by February 18, 2016; and
7. The Commissioner did not submit a written response to petitioners' application; and
8. Board Rule 65.41 provides that an application to reconsider, reverse, modify, or change a decision of the Board must set forth grounds showing "facts or circumstance[s] arising subsequent to a hearing or on account of consequences resulting from compliance with such determination . . . which are claimed to justify a reconsideration of the proceeding"; and
9. Petitioners' application does not set forth any new facts or circumstances arising subsequent to the Board's decision or any consequences resulting from compliance with it that would warrant reconsideration, but instead seeks to re-litigate evidence already submitted at hearing and decided by the Board; and
10. The application for reconsideration is therefore denied, and we confirm our decision of July 22, 2015 affirming the orders in part, revoking the orders in part, and otherwise denying the petition.

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

Petitioners' application for reconsideration is denied and our decision of July 22, 2015 is confirmed.

  
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Vilda Vera Mayuga, Chairperson  
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J. Christopher Meagher, Member  
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LaMarr J. Jackson, Member  
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Michael A. Arcuri, Member

Dated and signed in the Office  
of the Industrial Board of Appeals  
at Albany, New York on  
April 13, 2016.