

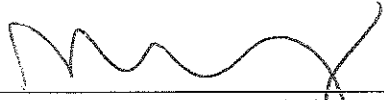
claimed to justify a reconsideration of the proceeding, the matters relied upon by the applicant shall be set forth fully.”

Petitioner has provided no justification for reconsideration of our decision pursuant to Board Rule (12 NYCRR) § 65.41 (a) (*see e.g. Matter of Beqiraj, et. al.*, PR 11-393 [April 13, 2016]). Instead, he attempts to relitigate arguments already made at the hearing as he challenges his employer status and questions claimant’s credibility; makes new arguments as he challenges the liquidated damages in the order to comply with Article 19 of the Labor Law (as modified); and contests the Board’s determination of the weight of the evidence presented at the hearing.

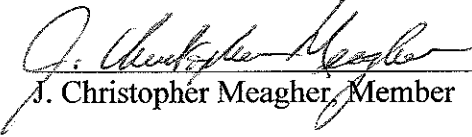
Pursuant to Labor Law § 101 (2), petitioner waived his right to challenge the liquidated damages assessed in the order to comply with Article 19 of the Labor Law as he failed to contest it in the petition. Furthermore, pursuant to Board Rule (12 NYCRR) § 65.41 (a), petitioner failed to set forth any facts or circumstances arising after the hearing that warrant the Board revoke its decision of May 3, 2017. Petitioner’s contention that compliance with the decision results in him “facing financial ruin” does not justify a reconsideration of our decision.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

Petitioner’s application is denied.

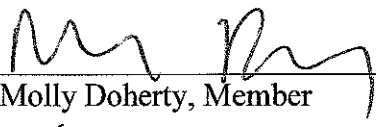


Vilda Vera Mayuga, Chairperson



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
March 7, 2018.

claimed to justify a reconsideration of the proceeding, the matters relied upon by the applicant shall be set forth fully.”

Petitioner has provided no justification for reconsideration of our decision pursuant to Board Rule (12 NYCRR) § 65.41 (a) (*see e.g. Matter of Beqiraj, et. al.*, PR 11-393 [April 13, 2016]). Instead, he attempts to relitigate arguments already made at the hearing as he challenges his employer status and questions claimant’s credibility; makes new arguments as he challenges the liquidated damages in the order to comply with Article 19 of the Labor Law (as modified); and contests the Board’s determination of the weight of the evidence presented at the hearing.

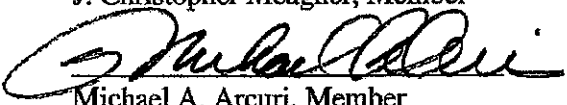
Pursuant to Labor Law § 101 (2), petitioner waived his right to challenge the liquidated damages assessed in the order to comply with Article 19 of the Labor Law as he failed to contest it in the petition. Furthermore, pursuant to Board Rule (12 NYCRR) § 65.41 (a), petitioner failed to set forth any facts or circumstances arising after the hearing that warrant the Board revoke its decision of May 3, 2017. Petitioner’s contention that compliance with the decision results in him “facing financial ruin” does not justify a reconsideration of our decision.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

Petitioner’s application is denied.

Vilda Vera Mayuga, Chairperson

J. Christopher Meagher, Member



Michael A. Arcuri, Member

Molly Doherty, Member

Gloribelle J. Perez, Member

Dated and signed by a Member
of the Industrial Board of Appeals
in Utica, New York, on
March 7, 2018.