

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of: :

FRANK CAMMARATA, :

Petitioner, :

DOCKET NO. PR 15-209

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 :
May 11, 2015, :

RESOLUTION OF DECISION

- against -

THE COMMISSIONER OF LABOR, :

Respondent. :
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APPEARANCES

Suris & Associates (Timothy M. Kelly of counsel), for petitioner.

Pico Ben-Amotz, Esq., 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 July 9, 2015; and
2. Respondent Commissioner of Labor filed an answer to the petition on August 26, 2015; and
3. Upon notice by the Board to the parties dated September 3, 2015, a hearing was set for February 23, 2016; and
4. Petitioner’s counsel appeared at the hearing, but petitioner 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 the 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 at a hearing shall be deemed to be 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. The petitioner has not made any application for reinstatement.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

The petition for review be, and the same hereby is, dismissed in accordance with the Board's Rules.



Vilda Vera Mayuga, Chairperson



J. Christopher Meagher, Member



LaMarr J. Jackson, Member

Michael A. Arcuri, Member

Dated and signed by the Members
of the Industrial Board of Appeals
at New York, New York
on March 2, 2016.

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Dated and signed in the Office
of the Industrial Board of Appeals
at Albany, New York, on
March 2, 2016.