

STATE OF NEW YORK  
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of: :  
 :  
THOMAS C. FRICKER A/K/A THOMAS :  
CARLTON (T/A T CARLTON'S SPALON), :  
 :  
Petitioner, : DOCKET NO. PR 15-225  
 :  
To Review Under Section 101 of the Labor Law: Two : RESOLUTION OF DECISION  
Orders to Comply with Article 6, an Order to Comply :  
with Article 19 and an Order Under Article 19 of the :  
Labor Law, all dated July 6, 2015, :  
 :  
- against - :  
 :  
THE COMMISSIONER OF LABOR, :  
 :  
Respondent. :  
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**APPEARANCES**

David G. Christophel, CPA, for petitioners.

Pico Ben-Amotz, General Counsel, NYS Department of Labor (Roya Sadiqi of counsel), for respondent.

**WHEREAS:**

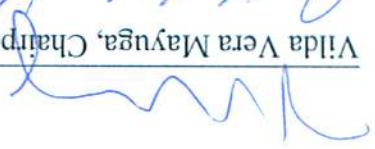
1. The above proceeding was commenced by the filing of a petition for review pursuant to Labor Law § 101 and Part 66 of the Industrial Board of Appeals' Rules of Procedure and Practice (Rules) (12 NYCRR Part 66) on July 30, 2015; and
2. Respondent Commissioner of Labor filed an answer on December 3, 2015; and
3. Upon notice by the Board to the parties dated August 12, 2016, a hearing was scheduled for January 18, 2017; and
4. Petitioners failed to attend or otherwise appear at the hearing on January 18, 2017; and
5. Pursuant to Labor Law § 103 and Board Rule 65.30, the burden of proof is on petitioners 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

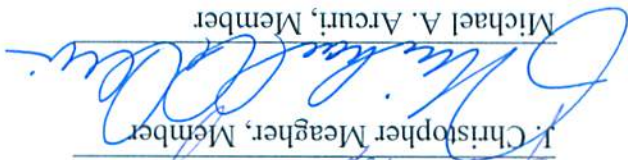
7. Petitioners have not made any application for reinstatement.

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

This proceeding be, and the same hereby is, dismissed in accordance with the Board's Rules.

  
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 Vilda Vera Mayuga, Chairperson

  
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 Christopher Meagher, Member

  
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 Michael A. Arcuri, Member

Absent

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

  
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 Gloribelle J. Perez, Member

Dated and signed by the Members  
of the Industrial Board of Appeals  
in New York, New York, on  
January 25, 2017.