

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

----- X
In the Matter of the Petition of: :
 :
CHRISTOPHER JAMES BREWER AND CB :
PAINTING, INC., :
 :
 :
Petitioners, : DOCKET NO. PR 15-350
 :
 :
To Review Under Section 101 of the Labor Law: : RESOLUTION OF DECISION
An Order to Comply with Article 19, An Order to :
Comply with Article 6, and an Order Under Article 19 :
of the Labor Law, all dated August 26, 2015, :
 :
 :
- against - :
 :
THE COMMISSIONER OF LABOR, :
 :
 :
Respondent. :
----- X

APPEARANCES

Christopher James Brewer, petitioner pro se and for CB Painting, Inc.

Pico Ben-Amotz, Esq., General Counsel, NYS Department of Labor (Steven J. Pepe 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 October 29, 2015; and
2. Respondent Commissioner of Labor filed an answer to the petition on December 16, 2015; and
3. Upon notice by the Board to the parties dated December 23, 2015, a pre hearing conference was set for February 1, 2016, and a hearing was set for March 15, 2016; and
4. Petitioners failed to participate in the pre hearing conference; and
5. The Board mailed to petitioners' address of record a new notice of hearing indicating the hearing would take place as scheduled on March 15, 2016; and
6. Petitioners failed to attend or otherwise appear at the hearing; and

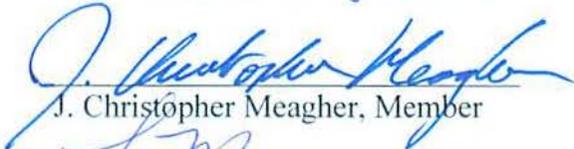
7. Pursuant to Labor Law § 103 and Board Rule 65.30, the burden of proof is on petitioners to prove that the orders under review are not valid or reasonable; and
8. Pursuant to Board Rule 65.24, "the failure of a party to appear at a hearing shall be deemed to be a waiver of all rights except the rights 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
9. Petitioners have 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.



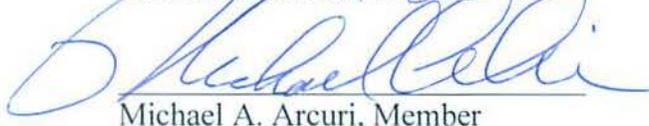
Vilda Vera Mayuga, Chairperson



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 Albany, New York
on April 13, 2016.