

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of: :
 :
ANGEL SALGADO AND COAMEX :
RESTAURANT INC. (T/A CASA COLOMBIA), :
 : DOCKET NO. PR 16-032
 :
Petitioners, :
 : RESOLUTION OF DECISION
 :
To Review Under Section 101 of the Labor Law: An :
Order to Comply with Article 19 and an Order Under :
Article 19 of the Labor Law, both dated March 17, :
2016, :
 :
 :
- against - :
 :
THE COMMISSIONER OF LABOR, :
 :
 :
Respondent. :
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APPEARANCES

Angel Salgado, petitioner pro se, and for Coamex Restaurant Inc.

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

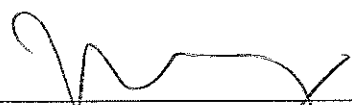
WHEREAS:

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 April 4, 2016; and
2. Respondent Commissioner of Labor filed an answer to the petition on June 23, 2016; and
3. Upon notice by the Board to the parties dated July 21, 2016, a hearing was scheduled for November 3, 2016; and
4. Petitioners failed to attend or otherwise appear at the hearing on November 3, 2016; 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.

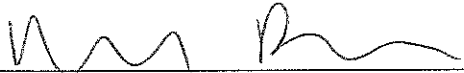
NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

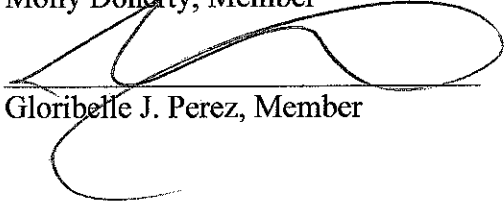
This proceeding be, and the same hereby is, dismissed in accordance with the Board's Rules.



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 December 14, 2016.