

STATE OF NEW YORK  
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of: :  
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 ANH THU TRAN A/K/A ANH THI TRAN AND :  
 HANG TRAN DBA ELITE NAIL SPA #2, :  
 :  
 :  
 Petitioners, : DOCKET NO. PR 16-114  
 :  
 :  
 To Review Under Section 101 of the Labor Law: : RESOLUTION OF DECISION  
 An Order Under Articles 6 and 19 of the Labor Law, :  
 dated July 26, 2016, :  
 :  
 :  
 - against - :  
 :  
 :  
 THE COMMISSIONER OF LABOR, :  
 :  
 :  
 Respondent. :  
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**APPEARANCES**

*Anh Thu Tran*, petitioner pro se, and for Hang Tran DBA Elite Nail Salon #2.

*Pico Ben-Amotz*, General Counsel, NYS Department of Labor, Albany (*Benjamin T. Garry* of counsel), for respondent.

**WHEREAS:**

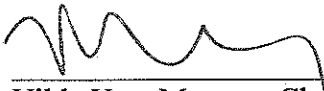
1. The above proceeding was commenced by the filing of a petition for review pursuant to Labor Law § 101 and Industrial Board of Appeals' Rules of Procedure and Practice (Board Rules) (12 NYCRR) Part 66 on September 26, 2016; and
2. Respondent Commissioner of Labor filed an answer to the petition on November 7, 2016; and
3. Upon notice by the Board issued to the parties on December 15, 2016, a hearing was scheduled for March 30, 2017; and
4. Petitioners failed to attend or otherwise appear at the hearing on March 30, 2017; and
5. Pursuant to Labor Law § 103 and Board Rule (12 NYCRR) § 65.30, the burden of proof is on petitioners to prove that the order under review is not valid or reasonable; and
6. Pursuant to Board Rule (12 NYCRR) § 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

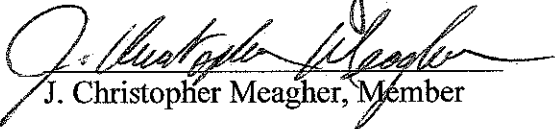
and to request Board review” pursuant to Board Rule (12 NYCRR) § 65.41, unless application for reinstatement is made within five days after the scheduled hearing; and

7. Petitioners have not made any application for reinstatement.

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

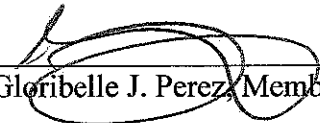
This proceeding be, and the same hereby is, dismissed in accordance with the Board’s Rules.

  
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Vilda Vera Mayuga, Chairperson

  
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J. Christopher Meagher, Member

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Michael A. Arcuri, Member

  
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Molly Doherty, Member

  
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Gloribelle J. Perez, Member

Dated and signed by the Members  
of the Industrial Board of Appeals  
at New York, New York, on  
May 3, 2017.

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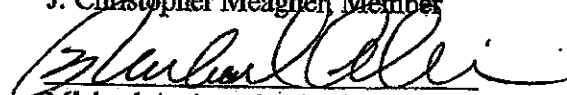
7. Petitioners have not made any application for reinstatement.

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

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Michael A. Arcuri, Member

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Molly Doherty, Member

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Gloribelle J. Perez, Member

Dated and signed by a Member  
of the Industrial Board of Appeals  
at Utica, New York, on  
May 3, 2017.