

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of:	:
	:
GARY MARTIN AND GMA FAMILY	:
ASSOCIATES, LLC,	:
	:
Petitioners,	:
	:
To Review Under Section 101 of the Labor Law:	:
An Order to Comply with Article 6 of the Labor Law,	:
and an Order Under Article 19 of the Labor Law, both	:
dated January 11, 2017,	:
	:
- against -	:
	:
THE COMMISSIONER OF LABOR,	:
	:
Respondent.	:
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DOCKET NO. PR 17-026

RESOLUTION OF DECISION

APPEARANCES

M. Cabrera & Associates, PC, Goshen (*Joseph J. Reilly* of counsel), for petitioners.

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

WHEREAS:

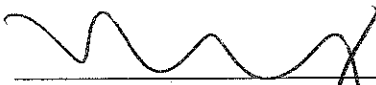
1. The above proceeding was commenced by the filing of a petition for review pursuant to Labor Law § 101 and the Industrial Board of Appeals’ Rules of Procedure and Practice (Board Rules) (12 NYCRR) Part 66 on March 8, 2017; and
2. Respondent Commissioner of Labor filed an answer to the petition on April 24, 2017; and
3. Upon notice by the Board to the parties dated January 16, 2018, a hearing was scheduled for March 1, 2018; and
4. Petitioners failed to attend or otherwise appear at the March 1, 2018, hearing; and
5. Pursuant to Labor Law § 103 and Board Rules (12 NYCRR) § 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 Rules (12 NYCRR) § 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

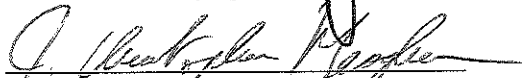
7. Petitioners have not made any application for reinstatement.

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

Michael A. Arcuri, Member



Molly Doherty, Member

Absent

Gloribelle J. Perez, Member

Dated and signed by the Members
of the Industrial Board of Appeals
in New York, New York,
on June 6, 2018.

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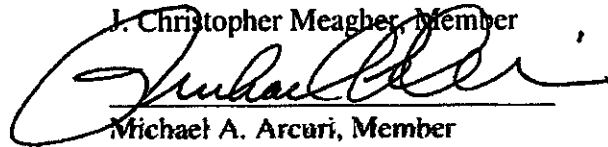
7. Petitioners have not made any application for reinstatement.

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



Michael A. Arcuri, Member

Dated and signed by a Member
of the Industrial Board of Appeals
in Utica, New York,
on June 6, 2018.

Molly Doherty, Member

Absent

Gloribelle J. Perez, Member