

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of: :

VLASDISLAV BORISOB A/K/A VLADISLOV :
BORISOV A/K/A WALTER VLADIMIR AND :
TEXTILE BINDING & APPAREL TRIMMING, INC., :

Petitioners, :

DOCKET NO. PR 17-110

RESOLUTION OF DECISION

To Review Under Section 101 of the Labor Law: :
An Order to Comply with Article 6 of the Labor Law, :
and an Order Under Articles 6 and 19 of the Labor :
Law, both dated May 12, 2017, :

- against - :

THE COMMISSIONER OF LABOR, :

Respondent. :
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APPEARANCES

Vladislav G. Borisov, New York, petitioner pro se and for Textile Binding & Apparel Trimming, Inc.

Pico Ben-Amotz, General Counsel, NYS Department of Labor, Albany (*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 the Industrial Board of Appeals' Rules of Procedure and Practice (Board Rules) (12 NYCRR) Part 66 on July 5, 2017; and
2. Respondent Commissioner of Labor filed an answer to the petition on August 10, 2017; and
3. Upon notice by the Board to the parties dated September 26, 2017, a hearing was scheduled for November 30, 2017; and
4. At hearing, respondent moved to have the orders under review include "a/k/a Vladislav Borisov" to reflect petitioner's apparent correct spelling based on petitioners' own correspondence to respondent; and
5. Petitioners failed to attend or otherwise appear at the November 30, 2017, hearing; and

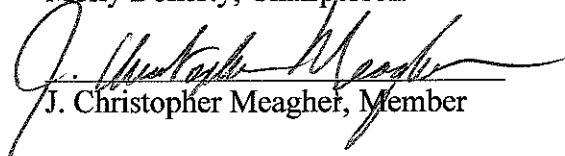
6. Pursuant to Labor Law § 103 and Board Rules (12 NYCRR) § 65.30, the burden of proof is on petitioners to prove that the orders under review are not valid or reasonable; and
7. Pursuant to Board Rules (12 NYCRR) § 65.24, “the failure of a party to appear at a hearing shall be deemed to be a waiver 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
8. Petitioners have not made any application for reinstatement.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

1. Respondent’s motion to add “a/k/a Vladislov Borisov” to the orders is granted and is so reflected in the caption herein; and
2. The petition for review be, and the same hereby is, dismissed in accordance with the Board’s Rules.



Molly Doherty, Chairperson



J. Christopher Meagher, Member

Michael A. Arcuri, Member



Gloribelle J. Perez, Member

Dated and signed by the Members
of the Industrial Board of Appeals
in New York, New York,
on August 8, 2018.

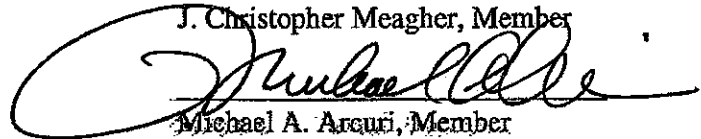
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Michael A. Arcuri, Member

Dated and signed by a Member
of the Industrial Board of Appeals
in Utica, New York,
on August 8, 2018.

Gloribelle J. Perez, Member