

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of: :
 :
STEPHEN R. HOODY (T/A NEW HEALTH C & PT :
LLC), ALSO (T/A NOVO WEIGHT LOSS), :
 :
 : Petitioner, : DOCKET NO. PR 17-135
 :
To Review Under Section 101 of the Labor Law: : RESOLUTION OF DECISION
An Order to Comply with Article 6 of the Labor Law and :
an Order Under Article 19 of the Labor Law, both dated :
July 7, 2017, :
 :
 : - against - :
 :
THE COMMISSIONER OF LABOR, :
 :
 : Respondent. :
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APPEARANCES

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

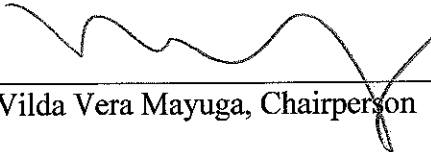
WHEREAS:

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 (Rules) (12 NYCRR) Part 66 on September 5, 2017; and
2. Respondent Commissioner of Labor filed an answer to the petition on October 17, 2017; and
3. Upon notice to the parties, dated October 30, 2017, a hearing was scheduled for January 19, 2018; and
4. Petitioner failed to appear at the January 19, 2018 hearing; and
5. Pursuant to Labor Law § 103 and Board Rule 65.30, the burden of proof is on petitioner 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 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. Petitioner has 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



Gloribelle J. Perez, Member

Dated and signed by the Members
of the Industrial Board of Appeals
in New York, New York, on
March 7, 2018.

7. Petitioner has 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

Gloribelle J. Perez, Member

Dated and signed by a Member
of the Industrial Board of Appeals
in Utica, New York, on
March 7, 2018.