

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of: :
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 :
 WILLIAM RITTER A/K/A BILL J. RITTER III AND :
 QLS LINEN SERVICE INC. T/A QUALITY LINEN :
 SERVICE, :
 :
 : DOCKET NO. PR 17-170
 :
 : RESOLUTION OF DECISION
 :
 Petitioners, :
 :
 :
 To Review Under Section 101 of the Labor Law: :
 Orders to Comply with Articles 6 and 19 of the Labor :
 Law dated October 17, 2017, :
 :
 :
 - against - :
 :
 :
 THE COMMISSIONER OF LABOR, :
 :
 :
 Respondent. :
 :
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APPEARANCES

Pico P. Ben-Amotz, General Counsel, NYS Department of Labor, Albany (Steven J. Pepe, Esq. of counsel), for respondent.

WHEREAS:

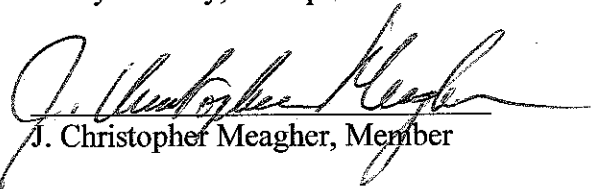
1. The above proceeding was commenced by the filing of a petition for review pursuant to Labor Law § 101 and Industrial Board of Appeals' Rules of Procedure and Practice (Rules) (12 NYCRR) Part 66 on December 4, 2017; and
2. Respondent Commissioner of Labor filed an answer to the petition on January 24, 2018; and
3. Upon notice to the parties, dated August 16, 2018, a hearing was scheduled for October 12 and October 19, 2018; and
4. Petitioners were represented by counsel when they filed the petition until October 9, 2018 when petitioners' attorney withdrew as counsel by written notice filed with the Board and sent to petitioners and respondent; and
5. The Board cancelled the October 12, 2018 hearing date due to petitioners' attorney withdrawing on October 9, 2018 but maintained the October 19, 2018 hearing date and sent written notice to all parties reflecting such on October 10, 2018 and on October 12, 2019; and
6. Petitioners failed to appear at the October 19, 2018 hearing;

7. 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
8. 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
9. 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.


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
December 12, 2018.

7. 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
8. 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
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Gloribelle J. Perez, Member

Dated and signed by a Member
of the Industrial Board of Appeals
in Utica, New York, on
December 12, 2018.