

STATE OF NEW YORK  
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of:	:
	:
PATRICK J. HALPIN AND CYBERPORT	:
STAFFING, INC., T/A CYBERPORT STAFFING,	:
	:
Petitioners,	:
	:
To Review Under Section 101 of the Labor Law:	:
An Order to Comply with Articles 6 and 19 of the Labor	:
Law dated April 20, 2018,	:
	:
- against -	:
	:
THE COMMISSIONER OF LABOR,	:
	:
Respondent.	:
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DOCKET NO. PR 18-019

RESOLUTION OF DECISION

**APPEARANCES**

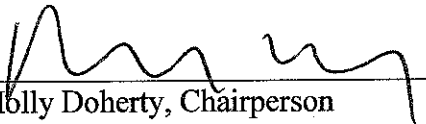
*Pico P. Ben-Amotz, General Counsel, NYS Department of Labor, Albany (Benjamin T. Garry of counsel), for respondent.*

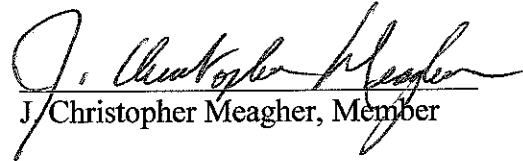
**WHEREAS:**

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 April 30, 2018; and
2. Respondent Commissioner of Labor filed an answer to the petition on June 8, 2018; and
3. Upon notice to the parties, dated June 29, 2018, a hearing was scheduled for September 26, 2018; and
4. Petitioner failed to appear at the September 26, 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.

  
Molly Doherty, Chairperson

  
J. Christopher Meagher, Member

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Michael A. Arcuri, Member

  
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Gloribelle J. Perez, Member

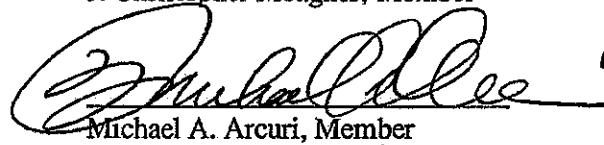
Dated and signed by the Members  
of the Industrial Board of Appeals  
in New York, New York, on  
October 24, 2018.

**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.

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Molly Doherty, Chairperson

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J. Christopher Meagher, Member

  
Michael A. Arcuri, Member

\_\_\_\_\_  
Gloribelle J. Perez, Member

Dated and signed by a Member  
of the Industrial Board of Appeals  
in Syracuse, New York, on  
October 24, 2018.

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