

STATE OF NEW YORK  
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of:

KOON JA SONG AND HYO KOOK SONG A/K/A  
HENRY SONG AND MRS. J'S CAFÉ OF L.I., INC.  
T/A MRS. J'S CAFÉ,

Petitioners,

To Review Under Section 101 of the Labor Law:  
An Order to Comply with Article 19 of the Labor Law  
dated July 26, 2018,

- against -

THE COMMISSIONER OF LABOR,

Respondent.  
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DOCKET NO. PR 18-041

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 August 27, 2018; and
2. Respondent Commissioner of Labor filed an answer to the petition on October 4, 2018; and
3. Upon notice to the parties, dated November 14, 2018, a hearing was scheduled for January 8, 2019; and
4. Petitioners failed to appear at the January 8, 2019 hearing and their representative, Bong Jang who filed the petition on behalf of the petitioners and who filed a designation of representative form with the Board also failed to appear at the January 8, 2019 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

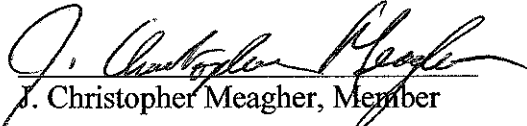
and to request Board review pursuant to Rule 65.41," unless application for reinstatement is made within five days after the scheduled hearing; and

7. 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.

  
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Molly Doherty, Chairperson

  
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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  
January 30, 2019.

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Dated and signed by a Member  
of the Industrial Board of Appeals  
in Utica, New York, on  
January 30, 2019.