

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of:

MICHELLE KANHAI & ANDY KANHAI &
HAPPILY EVER AFTER DAYCARE, LLC T/A
HAPPILY EVER AFTER DAYCARE & PRESCHOOL
AND ONCE UPON A TIME DAYCARE LLC,

Petitioners,

To Review Under Section 101 of the Labor Law:
An Order to Comply with Articles 6 and 19 of the Labor
Law dated August 1, 2018,

- against -

THE COMMISSIONER OF LABOR,

Respondent.
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DOCKET NO. PR 18-045

RESOLUTION OF DECISION

APPEARANCES

Pico P. Ben-Amotz, General Counsel, NYS Department of Labor, Albany (Kevin E. Jones 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 16, 2018; and
2. Respondent Commissioner of Labor filed an answer to the petition on September 12, 2018; and
3. Upon notice to the parties, dated October 11, 2018, a hearing was scheduled for January 17, 2019; and
4. Petitioners failed to appear at the January 17, 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

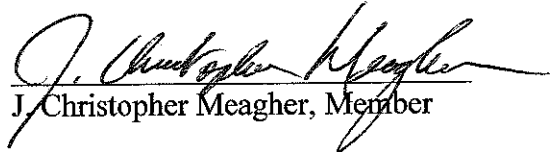
and to request Board review pursuant to Rule 65.41," unless application for reinstatement is made within five days after the scheduled hearing; and

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.


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
January 30, 2019.

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Dated and signed by a Member
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in Utica, New York, on
January 30, 2019.