

STATE OF NEW YORK  
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of: :  
 :  
KENNETH V. REISIG AND NEW YORK STATE :  
SAFETY STANDARD INC., :  
 :  
 :  
Petitioners, : DOCKET NO. PR 18-047  
 :  
 :  
To Review Under Section 101 of the Labor Law: : RESOLUTION OF DECISION  
An Order to Comply with Articles 6 and 19 of the Labor :  
Law dated June 21, 2018, :  
 :  
 :  
- 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.*

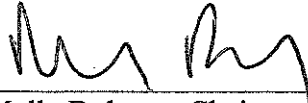
**WHEREAS:**

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 August 17, 2018; and
2. Respondent Commissioner of Labor filed an answer to the petition on September 26, 2018; and
3. Upon notice to the parties, dated November 6, 2018, a hearing was scheduled for January 22, 2019; and
4. Petitioners failed to appear at the January 22, 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

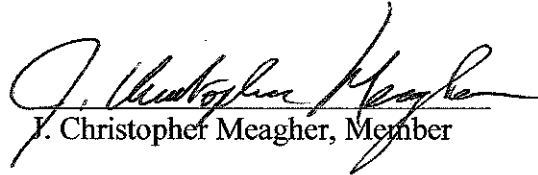
7. Petitioners have not made any application for reinstatement.

**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.

7. Petitioners have not made any application for reinstatement.

**~~NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:~~**

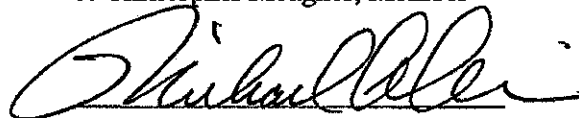
The petition for review be, and the same hereby is, dismissed in accordance with the Board's Rules.

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Molly Doherty, Chairperson

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J. Christopher Meagher, Member



Michael A. Arcuri, Member

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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  
January 30, 2019.