

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of: :
 :
LINDA M. CARRON AND WESTCHESTER :
ARCHITECTURAL GLASS, INC., :
 :
 :
Petitioners, : DOCKET NO. PR 18-057
 :
 :
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 August 22, 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 (Board Rules) (12 NYCRR) Part 66 on October 4, 2018; and
2. Respondent Commissioner of Labor filed an answer to the petition on October 30, 2018; and
3. Upon notice to the parties, dated March 29, 2018, a hearing was scheduled for May 2, 2019; and
4. Petitioner failed to appear at the May 2, 2019 hearing; and
5. Pursuant to Labor Law § 103 and Board Rules (12 NYCRR) § 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 Rules (12 NYCRR) § 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 section 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:

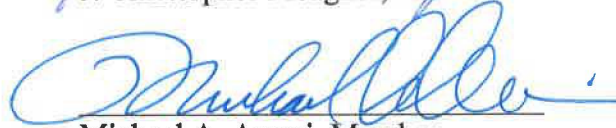
The petition for review be, and the same hereby is, dismissed in accordance with the Board's Rules.



Molly Doherty, Chairperson



J. Christopher Meagher, Member



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 May 29, 2019.