

STATE OF NEW YORK  
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of: :

ANGEL SALGADO AND COAMEX :  
RESTAURANT INC. (T/A CASA COLOMBIA), :

Petitioners, :

DOCKET NO. PR 16-032

RESOLUTION OF DECISION

To Review Under Section 101 of the Labor Law: An :  
Order to Comply with Article 19 and an Order Under :  
Article 19 of the Labor Law, both dated March 17, :  
2016, :

- against - :

THE COMMISSIONER OF LABOR, :

Respondent. :  
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**APPEARANCES**

Angel Salgado, petitioner pro se, and for Coamex Restaurant Inc.

Pico Ben-Amotz, General Counsel, NYS Department of Labor (Taylor Waites of counsel), for respondent.

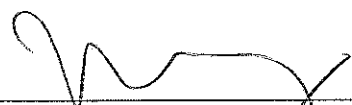
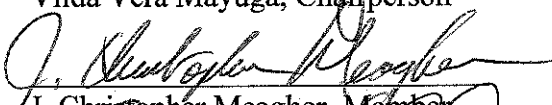
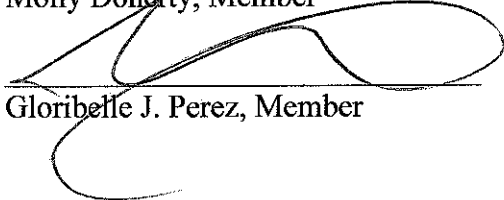
**WHEREAS:**

1. The above proceeding was commenced by the filing of a petition for review pursuant to Labor Law § 101 and Part 66 of the Industrial Board of Appeals' Rules of Procedure and Practice (Rules) (12 NYCRR Part 66) on April 4, 2016; and
2. Respondent Commissioner of Labor filed an answer to the petition on June 23, 2016; and
3. Upon notice by the Board to the parties dated July 21, 2016, a hearing was scheduled for November 3, 2016; and
4. Petitioners failed to attend or otherwise appear at the hearing on November 3, 2016; and
5. Pursuant to Labor Law § 103 and Board Rule 65.30, the burden of proof is on petitioners 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 shall be deemed 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:**

This proceeding be, and the same hereby is, dismissed in accordance with the Board's Rules.

  
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Vilda Vera Mayuga, Chairperson  
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J. Christopher Meagher, Member  
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Michael A. Arcuri, Member  
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Molly Doherty, 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 December 14, 2016.