STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

In the Matter of the Petition of:	:	
ANTHONY ANTON (T/A TONY'S PIZZA),	:	
Petitioner,	:	DOCKET NO. PR 15-328
To Review Under Section 101 of the Labor Law: An Order to Comply with Article 19 and an Order Under Articles 5 and 19 of the Labor Law, both dated August 19, 2015,	:	RESOLUTION OF DECISION
- against -	:	
THE COMMISSIONER OF LABOR,	:	
Respondent.	:	

APPEARANCES

Peter Mammis, Esq., for petitioner.

Pico Ben-Amotz, General Counsel, NYS Department of Labor (Taylor A. Waites, JD), 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 October 15, 2015; and

2. Respondent Commissioner of Labor (Commissioner) filed an answer to the petition on December 1, 2015; and

3. Upon notice by the Board to the parties issued on June 15, 2016, a hearing was scheduled for September 15, 2016. The notice was sent to petitioner, care of his attorney Peter Mammis, at 4802 25th Avenue, Suite 304B, Astoria, New York 11103, the attorney's address of record with the Board; and

4. Petitioner and his attorney failed to attend or otherwise appear at the 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 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. Petitioner has not made any application for reinstatement.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

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

Vilda Vera Mayuga, Chairperson

J. Christopher Meagher, Member

Michael A. Arcuri, Member

Molly Doherty, Member

Gloribelle J. Perez, Member

Dated and signed by the Members
of the Industrial Board of Appeals
in New York, New York, on
October 26, 2016.