

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of:

JOHN K. ZAFARANLOO,

Petitioner,

To Review Under Section 101 of the Labor Law:
An Order(s) to Comply with the Labor Law
(Order to Comply No. 19-00334),

- against -

THE COMMISSIONER OF LABOR,

Respondent.
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DOCKET NO. PR 19-098

RESOLUTION OF DECISION

APPEARANCES

John K. Zafaranloo, M.D., petitioner pro se.

WHEREAS:

1. The above proceeding was commenced by the filing of a petition for review pursuant to Labor Law § 101 and the Industrial Board of Appeals Rules of Procedure and Practice (hereinafter "Board Rules") (12 NYCRR) Part 66, on July 22, 2019, seeking to review an order issued by the respondent Commissioner of Labor against petitioner; and
2. The petition was filed by Daniel J. Kindya (hereinafter "Kindya"), who stated that he is petitioner's accountant; and
3. The petition is deficient because it failed to comply with Board Rules §§ 66.3 (b) (1), (d), and (h); and
4. By letter dated July 25, 2019, the Board notified Kindya that petitioner must file an amended petition that conforms with Board Rules § 66.3 by August 26, 2019, or the petition may be dismissed without further notice; and
5. The Board notified Kindya by the same letter dated July 25, 2019 to file a completed copy of a Designation of Representative signed by petitioner, for Kindya to be able to represent petitioner in this matter; and
6. By letter dated August 27, 2019, the Board notified Kindya that petitioner must file, within 10 days of the date of the letter, a motion seeking leave to file an untimely petition because petitioner had not complied with the Board's earlier directive and filed an amended petition; and

7. By letter dated September 23, 2019, the Board informed Kindya and petitioner that petitioner had failed to provide the required documentation for a complete petition and an explanation as to why the information had not been timely filed as directed by the Board in its August 27, 2019 letter. The letter further stated that if such information was not submitted to the Board by October 3, 2019, the petition would be dismissed; and
8. Pursuant to Board Rules § 65.14, "the failure to file any pleading pursuant to these rules when due may . . . constitute a waiver of the right to further participation in the proceeding;" and
9. Petitioner has not filed an amended petition or a motion for leave to file an untimely petition; and
10. The petition, therefore, must be dismissed for failing to comply with Board Rules § 66.3.

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
New York, New York

Michael A. Arcuri, Member
Utica, New York

Gloribelle J. Perez, Member
New York, New York

Patricia Kakalec, Member
New York, New York

Najah Farley, Member
New York, New York

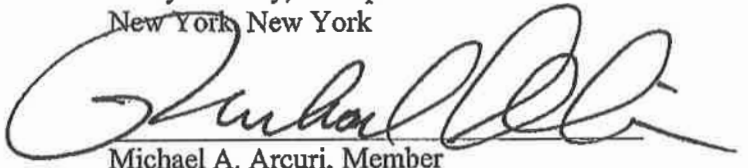
Dated and signed by the Members
of the Industrial Board of Appeals
on October 23, 2019.

7. By letter dated September 23, 2019, the Board informed Kindya and petitioner that petitioner had failed to provide the required documentation for a complete petition and an explanation as to why the information had not been timely filed as directed by the Board in its August 27, 2019 letter. The letter further stated that if such information was not submitted to the Board by October 3, 2019, the petition would be dismissed; and
8. Pursuant to Board Rules § 65.14, "the failure to file any pleading pursuant to these rules when due may . . . constitute a waiver of the right to further participation in the proceeding;" and
9. Petitioner has not filed an amended petition or a motion for leave to file an untimely petition; and
10. The petition, therefore, must be dismissed for failing to comply with Board Rules § 66.3.

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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New York, New York



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New York, New York

Dated and signed by the Members
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Najah Farley, Member
New York, New York