STATE OF NEW YORK INDUSTRIAL BOARD OF APPEALS		
In the Matter of the Petition of:	X :	
JOSEPH CARONNA,	: :	
	:	
Petitioner,	:	
	:	DOCKET NO. PR 19-073
To Review Under Section 101 of the Labor Law:	:	
An Order to Comply with Articles 6 and 19 of the	:	RESOLUTION OF DECISION
Labor Law dated November 13, 2018,	:	
	:	
- against -	(
THE COMMISSIONER OF LABOR,	:	
Respondent.	:	
	X	

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 May 28, 2019; and
- 2. Respondent Commissioner of Labor filed an answer to the petition on July 12, 2019; and
- 3. Upon notice by the Board to the parties dated August 5, 2019, a hearing was scheduled for October 22, 2019; and
- 4. Petitioner failed to attend or otherwise appear at the hearing; and
- 5. Pursuant to Labor Law § 103 and Board Rules (12 NYCRR) § 65.30, the burden of proof is on the petitioner to prove that the order under review is 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. The 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.

Dated and signed by the Members of the Industrial Board of Appeals on December 11, 2019.

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 7. The petitioner has not made any application for reinstatement.

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