

STATE OF NEW YORK  
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of:

JUAN ANTONIO CASTILLO (T/A JC PAINTING  
CONTRACTING),

Petitioner,

DOCKET NO. PR 17-078

To Review Under Section 101 of the Labor Law:  
An Order to Comply with Article 6 of the Labor Law;  
and Order to Comply with Article 19 of the Labor  
Law; and an Order Under Articles 6 and 19 of the  
Labor Law, all dated April 7, 2017,

RESOLUTION OF DECISION

- against -

THE COMMISSIONER OF LABOR,

Respondent.  
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**APPEARANCES**

*Juan Antonio Castillo*, petitioner pro se.

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

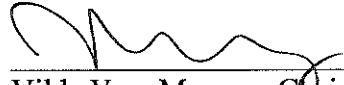
**WHEREAS:**

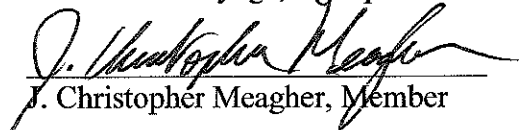
1. The above proceeding was commenced by the filing of a petition for review pursuant to Labor Law § 101 and Part 66 of the Industrial Board of Appeals' Rules of Procedure and Practice (Board Rules) (12 NYCRR) Part 66 on April 28, 2017; and
2. Respondent Commissioner of Labor filed an answer to the petition on July 19, 2017; and
3. Upon notice by the Board to the parties dated August 14, 2017, a hearing was scheduled for October 17, 2017; and
4. Petitioner failed to attend or otherwise appear at the October 17, 2017 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 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.

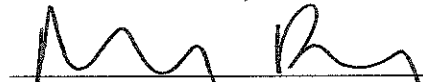
**NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:**

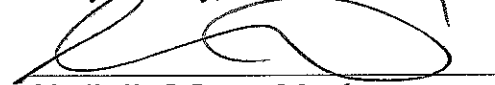
The petition for review be, and the same hereby is, dismissed in accordance with the Board’s Rules.

  
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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 13, 2017.

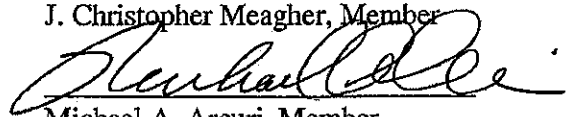
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Vilda Vera Mayuga, Chairperson

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J. Christopher Meagher, Member

  
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Michael A. Arcuri, Member

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Dated and signed by a Member  
of the Industrial Board of Appeals  
in Syracuse, New York,  
on December 13, 2017.

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Molly Doherty, Member

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Gloribelle J. Perez, Member