

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

----- X
In the Matter of the Petition of: :

KULBIR BIR SINGH AND KUL CONSTRUCTION, :
INC. T/A TAJ PALACE RESTAURANT ALSO T/A :
K&D UNITED INC., :

Petitioners, :

DOCKET NO. PR 19-045

To Review Under Section 101 of the Labor Law: :
An Order to Comply with Article 19 of the Labor Law, :
dated February 15, 2019, :

- against - :

THE COMMISSIONER OF LABOR, :

Respondent. :
----- X

RESOLUTION OF DECISION

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 April 8, 2019; and
2. Respondent Commissioner of Labor filed an answer to the petition on July 11, 2019; and
3. Upon notice by the Board to the parties dated September 27, 2019, a hearing was scheduled for October 28, 2019; and
4. Petitioners 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 petitioners 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 petitioners have 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 petitioners have 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