

STATE OF NEW YORK  
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of:

RICKANDA SMITH AND REIKI CONSTRUCTION  
CORP.,

Petitioners,

To Review Under Section 101 of the Labor Law:  
An Order to Comply with Articles 6 and 19 of the  
Labor Law dated September 11, 2018,

- against -

THE COMMISSIONER OF LABOR,

Respondent.  
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DOCKET NO. PR 18-073

RESOLUTION OF DECISION

**APPEARANCES**

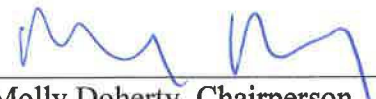
*Pico P. Ben-Amotz, General Counsel, NYS Department of Labor, Albany (Benjamin T. Garry of counsel), for respondent.*

**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 November 13, 2018; and
2. Respondent Commissioner of Labor filed an answer to the petition on December 17, 2018; and
3. Upon notice to the parties, dated December 26, 2018, a hearing was scheduled for March 26, 2019; and
4. Petitioner failed to appear at the March 26, 2019 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 section 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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Molly Doherty, Chairperson  
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J. Christopher Meagher, Member  
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Michael A. Arcuri, 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 May 29, 2019.