

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of:

ROBERT J. ARONSON AND EMPIRE CARPET
SUPPLIES, INC.,

Petitioners,

To Review Under Section 101 of the Labor Law:
An Order to Comply with Articles 6 and 19 of the
Labor Law dated October 30, 2018,

- against -

THE COMMISSIONER OF LABOR,

Respondent.
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DOCKET NO. PR 18-090

RESOLUTION OF DECISION

APPEARANCES

Pico P. Ben-Amotz, General Counsel, NYS Department of Labor, Albany (Kevin E. Jones of counsel), for respondent.

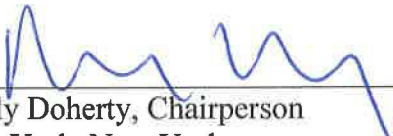
WHEREAS:

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 December 28, 2018; and
2. Respondent Commissioner of Labor filed an answer to the petition on January 23, 2019; and
3. Upon notice by the Board to the parties dated May 14, 2019, a hearing was scheduled for July 30, 2019; and
4. Petitioners and petitioners' counsel 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.



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 September 11, 2019.

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.

Molly Doherty, Chairperson
New York, New York


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