

**State of New York
Industrial Board of Appeals
Minutes of October 23, 2019 Board Meeting**

CALL TO ORDER

The regularly scheduled meeting of the Industrial Board of Appeals was held on October 23, 2019 by video conference from the Board’s principal office in Albany, and regional offices in Utica and New York City. The Board’s Chairperson, Molly Doherty, called the meeting to order at 10:17 a.m.

ATTENDANCE

New York City

Molly Doherty, Chairperson
Gloribelle J. Perez, Member
Patricia Kakalec, Member
Najah Farley, Member
Jean Grumet, Administrative Law Judge
Matthew Robinson-Loffler, Associate Counsel
Jane M. Ipanaque, Secretary for NYC

Albany

Anne Hohenstein, Managing Attorney

Utica

Michael A. Arcuri, Member

MINUTES

On motion by Mr. Arcuri, duly seconded by Ms. Farley, and unanimously carried, the minutes of the previous meeting held on September 11, 2019 were approved.

REPORTS

Reports showing statistics and case status were distributed to Board Members and staff. The monthly report reflecting activity for September 2019 was reviewed and discussed.

	<u>Sept 2019</u>	<u>Sept 2018</u>	<u>Year-to-Date</u>	
			<u>2019</u>	<u>2018</u>
NEW PROCEEDINGS COMMENCED:	16	12	154	69
Section 101 - Review Petitions	15		137	
Section 27-A - Public Employer Safety	1		11	
Section 104 - Corporate Documents	0		6	
Stay Applications	0		0	
HEARINGS HELD:	6	4	63	63
VIDEO HEARINGS HELD:	6	3	38	26
Capital District	1		8	
Upstate	0		15	
Downstate	5		9	
New York City	6		37	
HEARINGS SCHEDULED/NOT HELD:	10	11	95	148
Postponed	4	10	64	104
Resolved Prior to Hearing	6	1	31	44
Administratively Closed	6	1	30	40
BOARD RESOLUTIONS	22	0	63	53
CASES CLOSED:	22	0	63	51
Section 101	16		51	0
Section 27-A	3		6	

Section 104	3		6
Section WB	0		0
INTERIM RESOLUTIONS:	0	0	0
Stay Applications	0		0
Interim Decisions	0		0

CONSIDERATION OF RESOLUTIONS & DELIBERATION

On motion by Ms. Perez, duly seconded by Ms. Kakalec, and unanimously carried, the meeting was moved into quasi-judicial deliberation at 10:30 a.m.

Section 101:

Docket No. Name

- PR 17-156 Stuart Schlesinger and Julien & Schlesinger, P.C.
- PR 19-019 Dong K. Ok, APS Domestic Corp., and DSL Sourcing Co., Inc.
- PR 19-046 Joseph Allaham and PGB 38 LLC and PPHG Grill, Inc. T/A Prime Butcher & Baker also T/A Prime Grill
- PR 19-091 Jordan Poluch and Off the Bone BBQ
- PR 19-098 John K. Zafaranloo

On motion by Ms. Perez, duly seconded by Ms. Farley, and unanimously carried, the Resolutions of Decision under Section 101 were adopted.

Section 27-A:

Docket No. Name

- PES 15-005 Robert J. Wolff
- PES 17-010 Joel W. Frederick
- PES 17-013 Anna Guan

On motion by Ms. Farley, duly seconded by Ms. Perez, and unanimously carried, the Resolution of Decision under Section 27-A for PES 17-010 was adopted. On motion by Mr. Arcuri, duly seconded by Ms. Farley, and unanimously carried, the Resolutions of Decision under Section 27-A for PES 15-005 and PES 17-013 were adopted.

On motion by Mr. Arcuri, duly seconded by Ms. Kakalec, and unanimously carried, the meeting moved out of quasi-judicial deliberation at 10:57 a.m.

DISCUSSION

The Board was provided with materials and discussed the following topics:

- A. PR 17-029
- B. Documentary evidence for hearings
- C. Electronic/digital evidence
- D. Mandatory Training

The Board took a short recess at 11:14 a.m. and returned to the meeting at 11:45 a.m.

UPCOMING BOARD MEETING DATES AND LOCATIONS

- Wednesday, December 11, 2019, Board Meeting at 10:00 a.m., NYC room D
- Wednesday, January 29, 2020, Board Meeting at 10:00 a.m., NYC room D
- Wednesday, March 18, 2020, Board Meeting at 10:00 a.m., NYC room D
- Wednesday, May 6, 2020, Board Meeting at 10:00 a.m., NYC room D

Wednesday, June 24, 2020, Board Meeting at 10:00 a.m., NYC room D

Wednesday, August 12, 2020, Board Meeting at 10:00 a.m., NYC room D

Wednesday, September 30, 2020, Board Meeting at 10:00 a.m., NYC room D

Wednesday, November 18, 2020, Board Meeting at 10:00 a.m., NYC room D

ADJOURNMENT

There being no further business, upon motion by Ms. Kakalec, duly seconded by Ms. Farley, and unanimously carried, the meeting was adjourned at 11:52 a.m.