

**Minutes of the Board Meeting
on December 11, 2019 of
The NYS Industrial Board of Appeals**

CALL TO ORDER

The regularly scheduled meeting of the Industrial Board of Appeals was held on December 11, 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 10:25 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 Ms. Kakalec, duly seconded by Mr. Arcuri, and unanimously carried, the minutes of the previous meeting held on October 23, 2019 were approved.

REPORTS

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

	<u>October</u>		<u>November</u>		<u>Year-to-Date</u>	
	2019	2018	2019	2018	2019	2018
NEW PROCEEDINGS COMMENCED:	10	12	7	8	171	90
Section 101 - Review Petitions	6		7		150	
Section 27-A - Public Employer Safety	3		0		14	
Section 104 - Corporate Documents	1		0		7	
Stay Applications	0		0		0	
HEARINGS HELD:	12	8	7	3	82	74
VIDEO HEARINGS HELD:	7	5	1	3	46	38
Capital District	0		0		8	
Upstate	2		0		17	
Downstate	3		1		13	
New York City	7		6		50	
HEARINGS SCHEDULED/NOT HELD:	16	18	12	12	123	178
Postponed	14	11	10	8	88	123
Resolved Prior to Hearing	2	7	2	4	35	55
Administratively Closed	2	6	2	4	34	50
BOARD RESOLUTIONS	8	10	0	0	63	63
CASES CLOSED:	8	9	0	0	63	60

Section 101	5		0		56	
Section 27-A	3		0		9	
Section 104	0		0		6	
Section WB	0		0		0	
INTERIM RESOLUTIONS:	0	1	0	0	0	3
Stay Applications	0		0		0	
Interim Decisions	0		0		0	

CONSIDERATION OF RESOLUTIONS & DELIBERATION

On motion by Ms. Perez, duly seconded by Ms. Farley, and unanimously carried, the meeting was moved into quasi-judicial deliberation at 10:32 a.m.

Section 101:

Docket No. Name

- PR 18-083 Edward L. Mossow T/A Main Street Auto
- PR 19-039 Carlos M. Hernandez d/b/a York Street Grocery
- PR 19-045 Kulbir Bir Singh and Kul Construction, Inc. T/A Taj Palace Restaurant also T/A K&D United Inc.
- PR 19-056 Kedar Ramesh Shah a/k/a Kedar Shah, Ramesh B. Shah a/k/a Sunil Ramesh Shah and Pratihtha, Inc. T/A Yuva Restaurant
- PR 19-073 Joseph Caronna
- PR 19-114 Ronnie Paulino
- PR 19-118 Nicole Duke

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

Interim Decision:

Docket No. Name

- PR 19-076 Ann Marie Mane a/k/a Mame N. Mane and Wee Care Childcare, LLC

On motion by Ms. Kakalec, duly seconded by Ms. Perez, and unanimously carried, the Interim Resolution of Decision under Section 101 was adopted.

Section 27-A:

Docket No. Name

- PES 16-012 Village of Port Chester

On motion by Mr. Arcuri, duly seconded by Ms. Kakalec, and unanimously carried, the Resolution of Decision under Section 27-A was adopted.

On motion by Ms. Perez, duly seconded by Ms. Farley, and unanimously carried, the meeting moved out of quasi-judicial deliberation at 11:29 a.m.

DISCUSSION

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

- A. Murdakhaychev v. IBA et al., Index No. 613213/2019
- B. Language access
- C. DOL documents and SAPA

UPCOMING BOARD MEETING DATES AND LOCATIONS

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. Perez, duly seconded by Ms. Kakalec, and unanimously carried, the meeting was adjourned at 11:52 a.m.