

**State of New York**  
**Industrial Board of Appeals**  
**Minutes of March 6, 2019 Board Meeting**

**CALL TO ORDER**

The regularly scheduled meeting of the Industrial Board of Appeals was held on March 6, 2019 by video conference from the Board's regional offices in New York City, Utica, and its main office in Albany, New York. The Board's Chairperson, Molly Doherty, called the meeting to order at 9:12 a.m.

**ATTENDANCE**

**New York City**

Molly Doherty, Chairperson  
 J. Christopher Meagher, Member  
 Gloribelle J. Perez, Member  
 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. Meagher, duly seconded by Mr. Arcuri, and unanimously carried, the minutes of the previous meeting held on January 30, 2019 were approved.

**REPORTS**

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

|                                       | <u>January</u> |             | <u>Year-to-Date</u> |             |
|---------------------------------------|----------------|-------------|---------------------|-------------|
|                                       | <b>2019</b>    | <b>2018</b> | <b>2019</b>         | <b>2018</b> |
| <b>NEW PROCEEDINGS COMMENCED:</b>     | <b>16</b>      | <b>10</b>   | <b>16</b>           | <b>10</b>   |
| Section 101 - Review Petitions        | 16             |             | 16                  |             |
| Section 27-A - Public Employer Safety | 0              |             | 0                   |             |
| Section 104 - Corporate Documents     | 0              |             | 0                   |             |
| Stay Applications                     | 0              |             | 0                   |             |
| <b>HEARINGS HELD:</b>                 | <b>9</b>       | <b>10</b>   | <b>9</b>            | <b>10</b>   |
| <b>VIDEO HEARINGS HELD:</b>           | <b>6</b>       | <b>5</b>    | <b>6</b>            | <b>5</b>    |
| Capital District                      | 2              |             | 2                   |             |
| Upstate                               | 0              |             | 0                   |             |
| Downstate                             | 0              |             | 0                   |             |
| New York City                         | 7              |             | 7                   |             |
| <b>HEARINGS SCHEDULED/NOT HELD:</b>   | <b>12</b>      | <b>22</b>   | <b>12</b>           | <b>22</b>   |
| Postponed                             | 7              | 15          | 7                   | 15          |
| Resolved Prior to Hearing             | 5              | 7           | 5                   | 7           |
| Administratively Closed               | 5              | 7           | 5                   | 7           |
| <b>BOARD RESOLUTIONS</b>              | <b>13</b>      | <b>11</b>   | <b>13</b>           | <b>11</b>   |
| <b>CASES CLOSED:</b>                  | <b>13</b>      | <b>0</b>    | <b>13</b>           | <b>11</b>   |
| Section 101                           | 11             |             | 11                  | 0           |
| Section 27-A                          | 0              |             | 0                   |             |
| Section 104                           | 2              |             | 2                   |             |
| Section WB                            | 0              |             | 0                   |             |

| <b>INTERIM RESOLUTIONS:</b> | <b>0</b> | <b>0</b> | <b>0</b> | <b>0</b> |
|-----------------------------|----------|----------|----------|----------|
| Stay Applications           | 0        |          | 0        |          |
| Interim Decisions           | 0        |          | 0        |          |

On motion by Ms. Perez, duly seconded by Mr. Meagher, and unanimously carried, the meeting was moved into quasi-judicial deliberation at 9:15 a.m. at which time Ms. Perez was excused from the meeting.

**Section 101:**

**Docket No. Name**

PR 17-116 Jose D. Santos Sr. and JS Restaurant Corp. (T/A Caridad Restaurant)

Except for Ms. Perez who is recused from discussing and voting on this decision, the Board, on motion by Mr. Meagher duly seconded by Mr. Arcuri, and unanimously carried, the Resolution of Decision under Section 101 was adopted.

Ms. Perez returned to the meeting at 9:22 a.m. for quasi-judicial deliberation of the remaining decisions.

**Section 101:**

**Docket No. Name**

PR 17-122 Felipe Diab

PR 18-023 Serafino Tomassetti

PR 18-062 Jason Delbert

PR 18-067 Wayne D. Mitchell a/k/a Wayne Mitchell and Mitchell’s Real Estate, Inc.

PR 19-003 Kamal Kumar

PR 19-014 Ilyas Ahmad

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

On motion by Ms. Perez duly seconded by Mr. Arcuri, and unanimously carried, the meeting moved out of quasi-judicial deliberation at 10:09 a.m.

**Discussion**

The Board discussed the following topics:

- A. Global Cash Card Supreme Court decision
- B. Dana’s absence
- C. Evidentiary rulings

**UPCOMING BOARD MEETING DATES AND LOCATIONS**

Canceled - Wednesday, April 17, 2019, Board Meeting at 9:00 a.m., NYC room D

**\*Going forward, all Board meetings will begin at 10:00 a.m.**

Wednesday, May 29, 2019, Board Meeting at 10:00 a.m., NYC room D

Wednesday, July 10, 2019, Board Meeting at 10:00 a.m., NYC room D

Wednesday, September 11, 2019, Board Meeting at 10:00 a.m., NYC room D

Wednesday, October 23, 2019, Board Meeting at 10:00 a.m., NYC room D

Wednesday, December 11, 2019, Board Meeting at 10:00 a.m., NYC room D

**ADJOURNMENT**

There being no further business, upon motion by Mr. Arcuri duly seconded by Ms. Perez, and unanimously carried, the meeting was adjourned at 11:00 a.m.