

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of:	:
	:
JULIO CESAR MEJIA II (T/A WILLY'S SERVICE CENTER),	:
	:
	:
Petitioner,	:
	:
To Review Under Section 101 of the Labor Law: An Order to Comply with Article 19 and an Order Under Articles 4 and 19 of the Labor Law, both dated December 31, 2010,	:
	:
	:
- against -	:
	:
THE COMMISSIONER OF LABOR,	:
	:
Respondent.	:
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DOCKET NO. PR 11-051

RESOLUTION OF DECISION

APPEARANCES

Julio Cesar Mejia II, petitioner *pro se*.

Pico Ben-Amotz, General Counsel, NYS Department of Labor (Melanie Scotto of counsel), for respondent.

WHEREAS:

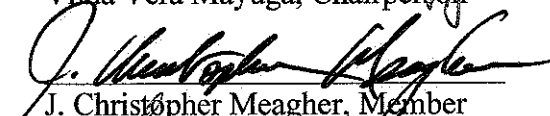
1. The above proceeding was commenced by the filing of a petition for review pursuant to Labor Law § 101 and Part 66 of the Industrial Board of Appeals' Rules of Procedure and Practice (Rules) (12 NYCRR Part 66) on February 24, 2011; and
2. Respondent Commissioner of Labor filed an answer to the petition on April 20, 2011; and
3. Upon notice by the Board, telephone calendar conferences were held with the parties on July 18 and October 1, 2013 to clarify the issues in the case and explore any possibilities of settlement. Petitioner participated in the conferences and was assisted by his accountant, Rafael Galis-Menendez; and
4. Mr. Galis-Menendez was advised by letter from the Board dated July 23, 2013 that if petitioner wished Mr. Galis-Menendez to represent him at the hearing in this matter, a Notice of Representation must be filed by petitioner designating Mr. Galis-Menendez as his representative. No such designation was filed; and

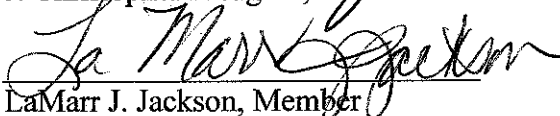
5. As the matter was not settled, the Board issued the parties a Notice of Hearing dated April 17, 2014 scheduling a hearing for May 20, 2014. The notice was sent by regular mail to petitioner's address of record listed in the petition; and
6. The notice was returned by the USPS as "attempted -not known, unable to forward;" and
7. As the Notice of Hearing was returned as undeliverable, the Board cancelled the hearing and left a voice mail message at petitioner's phone number listed in the petition requesting that he contact the Board to confirm his address and contact information so that the Board may contact him and the hearing could be rescheduled; and
8. Petitioner failed to contact the Board to provide a correct address and contact information where the Board may contact him; and
9. Board Rule 65.4 provides that any change in contact information must be communicated promptly to the Board and failure to furnish such information shall be deemed a waiver of the right to notice and service under the Rules; and
10. The Board finds that petitioner has failed to notify it of a change of address pursuant to Rule 65.4, has abandoned his appeal, and the proceeding should be dismissed in accordance with the Board's Rules.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

This petition be, and the same hereby is, dismissed in accordance with the Board's Rules.


Vilda Vera Mayuga, Chairperson


J. Christopher Meagher, Member


LaMarr J. Jackson, Member

Absent
Jeffrey R. Cassidy, Member


Michael A. Arcuri, Member

Dated and signed in the Office
of the Industrial Board of Appeals
at New York, New York, on
July 1, 2014.