

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of:

RICHARD RUSSELL AND RICHLAND EQUITY
RESOURCES CORP.,

Petitioners,

To Review Under Section 101 of the Labor Law:
An Order to Comply with Article 6 and an Order
Under Article 19 of the Labor Law, both dated
January 23, 2014,

- against -

THE COMMISSIONER OF LABOR,

Respondent.
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DOCKET NO. PR 14-082

RESOLUTION OF DECISION

APPEARANCES

Richard Russell, petitioner *pro se*, and for Richland Equity Resources Corp.

Pico Ben-Amotz, Esq., General Counsel, NYS Department of Labor (Jake Ebers 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 April 18, 2014; and
2. Respondent Commissioner of Labor filed an answer to the petition on June 23, 2014; and
3. Upon notice by the Board to the parties dated February 6, 2015, a prehearing conference was set for March 2, 2015, and a hearing was set for March 26, 2015; and
4. Petitioners failed to participate in the pre-hearing conference and failed to attend or otherwise appear at the hearing; and
5. Pursuant to Labor Law § 103 and Board Rule 65.30, the burden of proof is on the petitioners to prove that the orders under review are not valid or reasonable; and

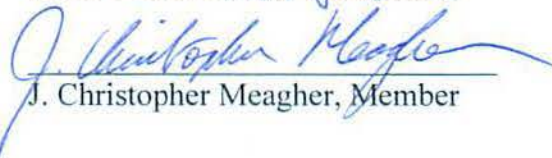
6. Pursuant to Board Rule 65.24, "the failure of a party to appear at a hearing shall be deemed to be a waiver of all rights except the rights to be served with a copy of the decision of the Board and to request Board review pursuant to Rule 65.41," unless application for reinstatement is made within 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.



Vilda Vera Mayuga, Chairperson



J. Christopher Meagher, Member

LaMarr J. Jackson, Member



Michael A. Arcuri, Member



Frances P. Abriola, Member

Dated and signed in the Office
of the Industrial Board of Appeals
at Albany, New York, on
April 29, 2015.

6. Pursuant to Board Rule 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 Rule 65.41," unless application for reinstatement is made within five days after the scheduled hearing; and
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Frances P. Abriola, Member

Dated and signed by a Member
of the Industrial Board of Appeals
at Buffalo, New York, on
April 29, 2015.