

STATE OF NEW YORK  
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of:

JOHN VOYIATZIS AND JOHNNY G'S  
RESTAURANT, INC.,

Petitioners,

To Review Under Section 101 of the Labor Law:  
An Order to Comply with Article 19 and an Order  
Under Articles 5 and 19 of the Labor Law, both dated  
July 24, 2014,

- against -

THE COMMISSIONER OF LABOR,

Respondent.  
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DOCKET NO. PR 14-201

RESOLUTION OF DECISION

**APPEARANCES**

John Voyiatzis, petitioner *pro se*, and for Johnny G's Restaurant. Inc.

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 September 8, 2014; and
2. Respondent Commissioner of Labor filed an answer to the petition on December 30, 2014; and
3. Upon notice by the Board to the parties dated January 14, 2015, a prehearing conference was set for February 9, 2015, and a hearing was set for March 25, 2015; and
4. Nicole Dinos Gerace. Esq. of Miniatis & Dimopoulos P.C., represented petitioners at the prehearing conference; and
5. On March 24, 2015, Ms. Gerace notified the Board that her office was no longer representing

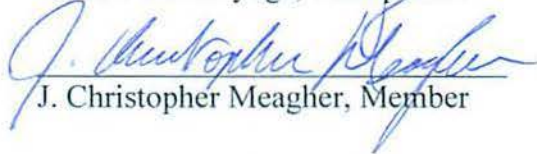
6. Petitioners would not be appearing at the scheduled hearing the next day, but had notified petitioners of the legal nature of the proceedings and the scheduled hearing of March 25, 2015; and
7. Petitioners failed to attend or otherwise appear at the hearing; and
8. Pursuant to Labor Law § 103 and 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
9. 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
10. 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.

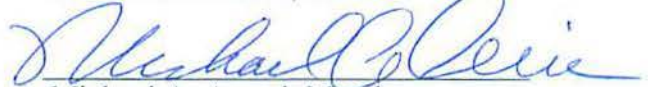


Vilda Vera Mayuga, Chairperson

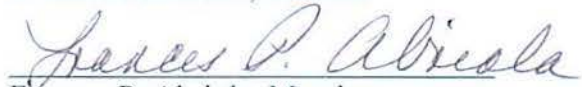


J. Christopher Meagher, Member

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.

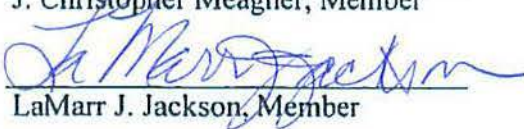
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Michael A. Arcuri, Member

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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.