

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

-----X
In the Matter of the Petition of:

STUART SCHLESINGER AND JULIEN &
SCHLESINGER, P.C.,

Petitioners,

To Review Under Section 101 of the Labor Law:
Orders to Comply with Article 6 and Article 19 of the
Labor Law dated September 8, 2017,

- against -

THE COMMISSIONER OF LABOR,

Respondent.
-----X

DOCKET NO. PR 17-156

RESOLUTION OF DECISION

APPEARANCES

Stuart Schlesinger, for petitioners pro se.

Pico P. Ben-Amotz, General Counsel, NYS Department of Labor, Albany (Benjamin T. Garry of counsel), for respondent.

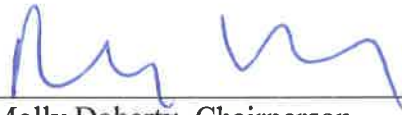
WHEREAS:

1. The above proceeding was commenced by the filing of a petition for review pursuant to Labor Law § 101 and Industrial Board of Appeals Rules of Procedure and Practice (hereinafter "Board Rules") (12 NYCRR) Part 66 on October 30, 2017; and
2. Petitioners filed an amended petition on February 5, 2018; and
3. Respondent filed an answer to the petition on March 14, 2018; and
4. Upon notice to the parties, dated June 28, 2019, the hearing was scheduled for October 3, 2019; and
5. Petitioners failed to attend or otherwise appear at the October 3, 2019 hearing; and
6. Pursuant to Labor Law § 103 and Board Rules (12 NYCRR) § 65.30, the burden of proof is on petitioners to prove that the orders under review are not valid or reasonable; and

7. Pursuant to Board Rules (12 NYCRR) § 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 section 65.41,” unless application for reinstatement is made within five days after the scheduled hearing; and
8. 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.



Molly Doherty, Chairperson
New York, New York

Michael A. Arcuri, Member
Utica, New York



Gloribelle J. Perez, Member
New York, New York



Patricia Kakalec, Member
New York, New York



Najah Farley, Member
New York, New York

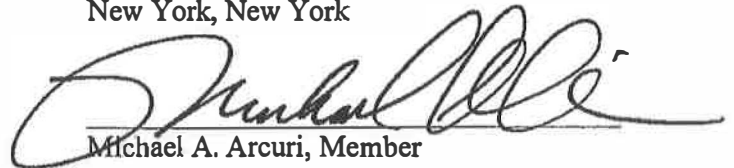
Dated and signed by the Members
of the Industrial Board of Appeals
on October 23, 2019.

7. Pursuant to Board Rules (12 NYCRR) § 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 section 65.41,” unless application for reinstatement is made within five days after the scheduled hearing; and
8. 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.

Molly Doherty, Chairperson
New York, New York



Michael A. Arcuri, Member
Utica, New York

Gloribelle J. Perez, Member
New York, New York

Patricia Kakalec, Member
New York, New York

Najah Farley, Member
New York, New York

Dated and signed by the Members
of the Industrial Board of Appeals
on October 23, 2019.