

STATE OF NEW YORK  
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of: :

JOSEPH ALLAHAM AND PGB 38 LLC AND PPHG :  
GRILL, INC. T/A PRIME BUTCHER & BAKER :  
ALSO T/A PRIME GRILL, :

Petitioners, :

To Review Under Section 101 of the Labor Law: :  
An Order to Comply with Articles 6 and 19 of the :  
Labor Law dated February 22, 2019, :

- against - :

THE COMMISSIONER OF LABOR, :

Respondent. :  
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DOCKET NO. PR 19-046

RESOLUTION OF DECISION

**APPEARANCES**

*Pico P. Ben-Amotz, General Counsel, NYS Department of Labor, Albany (Kevin E. Jones 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 (Board Rules) (12 NYCRR) Part 66 on April 10, 2019; and
2. Respondent Commissioner of Labor filed an answer to the petition on May 17, 2019; and
3. Upon notice by the Board to the parties dated June 18, 2019, a hearing was scheduled for September 19, 2019; and
4. Petitioners failed to attend or otherwise appear at the hearing; and
5. Pursuant to Labor Law § 103 and Board Rules (12 NYCRR) § 65.30, the burden of proof is on the petitioners to prove that the order under review is not valid or reasonable; and
6. 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

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.



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Molly Doherty, Chairperson  
New York, New York

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Michael A. Arcuri, Member  
Utica, New York



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Gloribelle J. Perez, Member  
New York, New York



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Patricia Kakalec, Member  
New York, New York



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Najah Farley, Member  
New York, New York

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

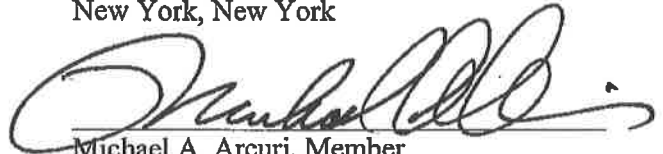
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