

STATE OF NEW YORK  
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of:

ANGELO GIUFFRE,

Petitioner,

To Review Under Section 101 of the Labor Law:  
A Notice of Violation and Order to Comply dated  
October 17, 2023,

- against -

THE COMMISSIONER OF LABOR,

Respondent.  
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DOCKET NO. PES 23-018

RESOLUTION OF DECISION

**APPEARANCES**

*Jill Archambault, General Counsel, NYS Department of Labor, Albany (Evan Zablow 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 65 on or about December 7, 2023;
2. Respondent filed an answer to the petition on January 12, 2024; and
3. Upon notice to the parties, dated March 25, 2024, the hearing was scheduled for May 29, 2024; and
4. Petitioner failed to appear at the hearing on May 24, 2024; and
5. Pursuant to Labor Law § 103 and Board Rules (12 NYCRR) § 65.39, the burden of proof is on petitioner to prove that the determination under review is not valid or reasonable; and
6. A party waives all rights for failing to appear at a hearing pursuant to Board Rules (12 NYCRR) § 65.51, except the right to ask the Board to reconsider its decision under Board Rules § 65.60, unless application for reinstatement is made within five days after the scheduled hearing; and
7. Petitioner has not made any application for reinstatement.

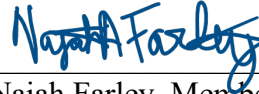
**NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:**

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

Dated and signed by the Members  
of the Industrial Board of Appeals  
on July 24, 2024.



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Molly Doherty, Chairperson



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Najah Farley, Member

ABSENT

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Michael A. Arcuri, Member



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Patricia Kakalec, Member

ABSENT

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Sandra Abeles, Member