

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of:

THOMAS C. FRICKER A/K/A THOMAS
CARLTON (T/A T CARLTON'S SPALON),

Petitioner,

To Review Under Section 101 of the Labor Law: Two
Orders to Comply with Article 6, an Order to Comply
with Article 19 and an Order Under Article 19 of the
Labor Law, all dated July 6, 2015,

- against -

THE COMMISSIONER OF LABOR,

Respondent.
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DOCKET NO. PR 15-225

RESOLUTION OF DECISION

APPEARANCES

David G. Christophel, CPA, for petitioners.

Pico Ben-Amotz, General Counsel, NYS Department of Labor (Roya Sadiqi 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 July 30, 2015; and
2. Respondent Commissioner of Labor filed an answer on December 3, 2015; and
3. Upon notice by the Board to the parties dated August 12, 2016, a hearing was scheduled for January 18, 2017; and
4. Petitioners failed to attend or otherwise appear at the hearing on January 18, 2017; and
5. Pursuant to Labor Law § 103 and Board Rule 65.30, the burden of proof is on 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 shall be deemed 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. Petitioners have not made any application for reinstatement.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

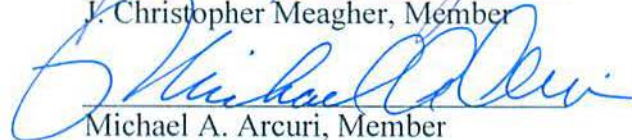
This proceeding be, and the same hereby is, dismissed in accordance with the Board’s Rules.



Vilda Vera Mayuga, Chairperson



J. Christopher Meagher, Member



Michael A. Arcuri, Member

Absent

Molly Doherty, Member



Gloribelle J. Perez, Member

Dated and signed by the Members
of the Industrial Board of Appeals
in New York, New York, on
January 25, 2017.