

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of:	:
	:
ZHEN HUA CHEN A/K/A SAICHEM Z. CHEN	:
AND SAI ZHEN CHEN AND CHEUNG CHI LAM	:
AND GTBI CORP (T/A GOOD TASTE BUFFET),	:
	:
Petitioners,	:
	:
To Review Under Section 101 of the Labor Law:	:
An Order to Comply with Article 19 of the Labor Law	:
and an Order Under Article 19 of the Labor Law, both	:
dated November 10, 2014,	:
	:
- against -	:
	:
THE COMMISSIONER OF LABOR,	:
	:
Respondent.	:
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DOCKET NO. PR 15-009

RESOLUTION OF DECISION

APPEARANCES

Canfield, Madden & Ruggiero, LLP (John P. Ruggiero of counsel), for petitioners.

Pico Ben-Amotz, General Counsel, NYS Department of Labor (Fredy Kaplan 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 January 12, 2015; and
2. Respondent Commissioner of Labor filed an answer to the petition on March 3, 2015; and
3. Upon notice to the parties, dated January 17, 2016, a hearing was scheduled for June 27, 2016; and
4. Petitioners failed to attend or otherwise appear at the hearing; 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 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

7. Petitioners have not made an 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



Michael A. Arcuri, Member



Molly Doherty, Member



Gloribelle J. Perez, Member

Dated and signed by the Members
of the Industrial Board of Appeals
in Albany, New York on
July 13, 2016.