STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

In the Matter of the Petition of:

MOSHE M. GOLD AND JLM DECORATING NYC, INC.,

Petitioners,

To Review Under Section 101 of the Labor Law:
An Order to Comply with Articles 6 and 19 of the Labor Law, dated December 18, 2019,

- against -

THE COMMISSIONER OF LABOR,

Respondent.

DOCKET NO. PR 20-035

RESOLUTION OF DECISION

APPEARANCES

Michael Paglialonga, Acting General Counsel, NYS Department of Labor, Albany (Steven J. Pepe 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 February 20, 2020; and

2. Respondent filed an answer to the petition on June 26, 2020; and

3. Upon notice to the parties, dated June 23, 2021, the hearing was scheduled for November 12, 2021; and

4. Petitioners failed to appear at the November 12, 2021, hearing; and

5. Pursuant to Labor Law § 103 and Board Rules (12 NYCRR) § 65.30, the burden of proof is on petitioners to prove that the determination 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. 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.

Dated and signed by the Members of the Industrial Board of Appeals on December 22, 2021.

Molly Doherty, Chairperson

Michael A. Arcuri, Member

Najah Farley, Member

Patricia Kakalec, Member

Sandra Abeles, Member