In the Matter of the Petition of:

MAXIE BOWEN AND MAXCO CONSTRUCTION INC.,

Petitioners,

To Review Under Section 101 of the Labor Law:
Orders to Comply with Articles 6 and Article 19 of the Labor Law dated October 29, 2019,

- against -

THE COMMISSIONER OF LABOR,

Respondent.

DOCKET NO. PR 19-160

RESOLUTION OF DECISION

APPEARANCES

Jill Archambault, Acting 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 (hereinafter “Board Rules”) (12 NYCRR) Part 66 on December 30, 2019; and

2. Respondent filed an answer to the petition on February 11, 2020; and

3. Upon notice to the parties, dated April 8, 2021, the hearing was scheduled for June 17, 2021; and

4. Petitioners failed to attend or otherwise appear at the June 17, 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 orders under review are 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 July 14, 2021.

Molly Doherty, Chairperson
New York, New York

ABSENT

Michael A. Arcuri, Member
Utica, New York

Patricia Kakalec, Member
Brooklyn, New York

Najah Farley, Member
Brooklyn, New York

Sandra Abeles, Member
New York, New York