STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

In the Matter of the Petition of:

BURTON LEVENTHAL AKA BURTON DREW
LEVENTHAL AND NEWMAN & LEVENTHAL
CATERERS, INC., T/A NEWMAN LEVENTHAL,

Petitioners,

To Review Under Section 101 of the Labor Law:

An Order to Comply with Article 19 of the Labor Law
dated January 7, 2020,

- against -

THE COMMISSIONER OF LABOR,

Respondent.

DOCKET NO. PR 20-036
RESOLUTION OF DECISION

APPEARANCES

Jill Archambault, Acting General Counsel, NYS Department of Labor, Albany (Steven 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 (hereinafter “Board”) Rules of Procedure and Practice (hereinafter “Board Rules”) (12 NYCRR) Part 66 on February 20, 2020, which was amended on June 4, 2020; and

2. Respondent Commissioner of Labor filed an answer to the petition on August 6, 2020; and

3. Upon notice by the Board to the parties dated October 15, 2020, a hearing was scheduled for November 12, 2020; and

4. Petitioners failed to attend or otherwise appear at the hearing; and

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

Molly Doherty, Chairperson
New York, New York

Michael A. Arcuri, Member
Utica, New York

Gloribelle J. Perez, Member
New York, New York

Patricia Kakalec, Member
Brooklyn, New York

Najah Farley, Member
Brooklyn, New York