

STATE OF NEW YORK  
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of: :

ED SAWYER AND SUNROOM ADDITIONS, INC., :

Petitioners, :

DOCKET NO. PR 10-002

To Review Under Section 101 of the Labor Law: :  
An Order to Comply with Article 6 of the Labor Law, :  
dated November 2, 2009, :

RESOLUTION OF DECISION

- against - :

THE COMMISSIONER OF LABOR, :

Respondent. :  
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**APPEARANCES**

Ed Sawyer, *pro se* petitioner and for petitioner Sunroom Additions, Inc.

Pico Ben-Amotz, Acting Counsel, NYS Department of Labor (Benjamin T. Garry of counsel), for the 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 4, 2010; and
2. Respondent Commissioner of Labor filed an answer to the petition on April 1, 2010; and
3. A prehearing telephone conference was noticed to the parties for April 11, 2011 and was held to set a date for hearing. Petitioners failed to call in to the conference and did not respond to calls made to petitioners; and
4. Upon notice by the Board to the parties, a hearing was set for January 19, 2012. The Notice of Hearing was sent to petitioners at the address of record that the petitioners supplied to the Board on their petition; and
5. Petitioners failed to attend or otherwise appear at the hearing; and

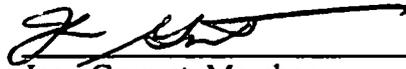
6. Pursuant to Labor Law § 103 and Board Rule 65.30, the burden of proof is on the Petitioners to prove that the Orders under review are not valid or reasonable; and
7. Pursuant to Board Rule 65.24, "the failure of a party to appear shall be deemed a waiver of all rights except the rights to be served 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
8. The Petitioners have not made any application for reinstatement; and

**NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:**

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

  
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Anne P. Steverson, Chairman

  
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J. Christopher Meagher, Member

  
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Jean Grumet, Member

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LaMarr J. Jackson, Member

ABSENT  
\_\_\_\_\_  
Jeffrey R. Cassidy, Member

Dated and signed in the Office  
of the Industrial Board of Appeals  
at New York, New York, on  
September 10, 2012.



6. Pursuant to Labor Law § 103 and Board Rule 65.30, the burden of proof is on the Petitioners to prove that the Orders under review are not valid or reasonable; and
7. 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
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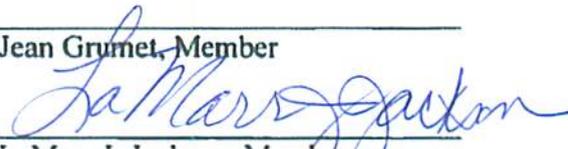
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LaMarr J. Jackson, Member

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Jeffrey R. Cassidy, Member

Dated and signed by a Member  
of the Industrial Board of Appeals  
at Rochester, New York, on  
September 10, 2012.