STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

In the Matter of the Petition of:
FRANCISCO GARCIA AKA FRANCISCO BLANCH
AKA FRANCISCO DE ASIS GARCIA BLANCH
AND GABRIELA ECHEVERRIA,
Petitioners,

To Review Under Section 101 of the Labor Law:
An Order to Comply with Articles 5, 6, and 19 of the
Labor Law, dated August 26, 2019,

- against -

THE COMMISSIONER OF LABOR,
Respondent.

DOCKET NO. PR 19-135i
INTERIM
RESOLUTION OF DECISION

APPEARANCES


Jill Archambault, Acting General Counsel, NYS Department of Labor, Albany (Kevin E. Jones of counsel), for respondent.

WHEREAS:

On September 18, 2019, petitioners filed with the Industrial Board of Appeals (hereinafter “Board”) a petition for review of an order issued by respondent Commissioner of Labor. Respondent filed an answer to the petition on November 7, 2019, and upon notice by the Board to the parties dated April 6, 2021, a hearing was scheduled for May 11, 2021. Neither petitioners nor their representative appeared at the hearing. By resolution of decision dated June 2, 2021, the Board dismissed this matter due to petitioners’ failure to appear at the scheduled hearing.

On June 9, 2021, petitioners filed a motion requesting that the matter be reinstated pursuant to Board Rule § 65.24 and vacate its June 2, 2021 decision dismissing the petition. Respondent did not file opposition to the motion. As such, petitioners’ motion for reinstatement is unopposed and we grant it. The matter will be re-opened and scheduled for hearing.
NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

1. Petitioner's application for reconsideration is granted; and

2. The Board's prior Resolution of Decision in this matter, issued June 2, 2021, is vacated.

Dated and signed by the Members of the Industrial Board of Appeals on September 29, 2021.

Molly Doherty, Chairperson

Najah Farley, Member

Patricia Kakalec, Member

Sandra Abeles, Member