

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of: :

ALEJANDRO CELSO SAAVEDRA, :

Petitioner, :

DOCKET NO. PR 09-159

To Review Under Section 101 of the Labor Law: :

An Order to comply with Article 6 and an Order under :
Article 19 of the Labor Law, both dated June 2, 2009, :

RESOLUTION OF DECISION

- against - :

THE COMMISSIONER OF LABOR, :

Respondent. :
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APPEARANCES

Alejandro Celso Saavedra, *pro se*, for Petitioner.

Maria L. Colavito, Counsel, New York State Department of Labor, Larissa C. Wasyl 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 Part 66 of the Industrial Board of Appeals' Rules of Procedure and Practice (Rules) (12 NYCRR Part 66) on June 26, 2009; and
2. Respondent Commissioner of Labor filed an answer to the petition on August 10, 2009; and
3. Upon notice by the Board to the parties, a hearing was held on November 17, 2010; and
4. Petitioner failed to attend or otherwise appear at the hearing; and
5. Pursuant to Labor Law § 103 and Board Rule 65.30, the burden of proof is on the Petitioner to prove that the Orders under review are not valid or reasonable; and

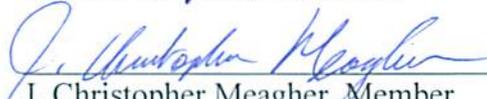
6. Pursuant to Board Rule 65.24, "the failure of a party to appear shall be deemed a waiver of all rights except the rights to be served with a copy of the decision of the Board and to request Board review" pursuant to Rule 65.41, unless application for reinstatement is made within five days after the scheduled hearing; and
7. The Petitioner has not made any application for reinstatement; and

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

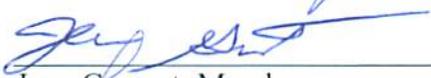
This proceeding be, and the same hereby is, dismissed in accordance with the Board's Rules.



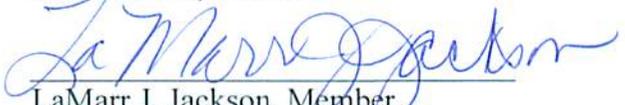
Anne P. Stevenson, Chairman



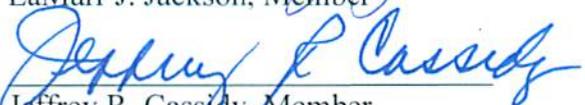
J. Christopher Meagher, Member



Jean Grumet, Member



LaMarr J. Jackson, Member



Jeffrey R. Cassidy, Member

Dated and signed in the Office
of the Industrial Board of Appeals
at Albany, New York, on
December 15, 2010.