

GENERAL INFORMATION

The following is general information about the Board and the procedures it follows to review an order of the Commissioner:

About the NYS Industrial Board of Appeals

The Board is a neutral agency that is separate from the Department of Labor (DOL). The Board independently reviews certain orders issued by the Commissioner when a petitioner timely files a petition with the Board.

The Board does not have access to, or knowledge of, any papers in the DOL's files and does not conduct an investigation into claims that are raised in a petition in order to reach a decision. Rather, in most cases the Board designates a neutral hearing officer to preside at a hearing at which evidence is taken. The parties before the hearing officer are the petitioner and the Commissioner who is represented by an attorney. A decision of the Board in reviewing an order of the Commissioner is based on the evidence in the record of the hearing. The petitioner has the burden to prove the claims that it asserts in its petition and any amendments to the petition.

The Board's review of an order of the Commissioner follows the procedures contained in the Board's Rules of Procedure and Practice (Rules). See 12 New York Code of Rules and Regulations (NYCRR) Part 65 et seq.

Before the Hearing

Before a hearing is conducted, a **pre-hearing telephone conference** may be held. The petitioner or its representative, a member of the Board's staff, and an attorney for the Commissioner participate in the telephone conference. During the conference, the parties come to a mutual agreement on a hearing date, and the petitioner or its representative has an opportunity to ask questions about the Board's procedures and to discuss the case, including the possibility of settlement.

Required Forms

If you are represented by an attorney or anybody who received a fee for representing you, a **Notice of Appearance** form must be completed by that attorney or non-attorney representative. If you are represented by another person other than an attorney, please complete a **Designation of Representative** form. Your cooperation in expeditiously returning the completed form to our office is appreciated. **Completing the forms with false information or signing someone else's name and then filing the form with the Industrial Board of Appeals may be a crime. See Penal Law articles 170 and 175.**

Case Processing

The above is a general description of the procedures before the Board. However, this description of Board procedures is not comprehensive and is not intended to represent that your case will be processed in exactly this way; it is only to let you know, as a general matter, what may occur.

Please be advised that the Board due to the volume of correspondence that we receive, will not accept any correspondence or pleadings by fax without prior permission, unless it is a time sensitive request related to a scheduled hearing.