

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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 In the Matter of the Petition of: :
 :
 JUAN REYES AND LIGHTWAVE ENERGY, :
 :
 Petitioners, :
 :
 To Review Under Section 101 of the Labor Law: :
 An Order to Comply with Article 6 of the Labor Law :
 and An Order Under Article 19 of the Labor Law, both :
 dated October 11, 2013, :
 :
 - against - :
 :
 THE COMMISSIONER OF LABOR, :
 :
 Respondent. :
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DOCKET NO. PR 13-188

RESOLUTION OF DECISION

APPEARANCES

Avi Esses designated representative for petitioners.

Pico Ben Amotz, General Counsel, NYS Department of Labor (Benjamin T. Garry of counsel),
for the respondent.

WHEREAS:

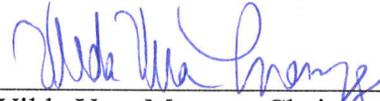
1. The above proceeding was commenced when petitioners filed a petition for review on behalf of Juan Reyes and Lightwave Energy pursuant to Labor Law § 101 and Part 66 of the Industrial Board of Appeals' Rules of Procedure and Practice (12 NYCRR Part 66) on November 21, 2013, to review two orders issued by the respondent Commissioner of Labor against the petitioners and Yudah Junger Sr. and 2525 Contracting Inc.,¹ and
2. Lightwave Energy, contrary to the orders, is a separate and distinct entity from 2525 Contracting Inc.; and
3. The petition alleges Lightwave Energy was a subcontractor of 2525 Contracting, Inc. and that Juan Reyes and Lightwave Energy were not employers of the claimant and requests that their names be removed from the orders; and

¹ Yudah Junger Sr. and 2525 Contracting Inc. filed a separate appeal (PR 13-204).

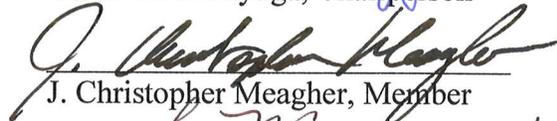
4. By letter dated March 6, 2014, which the Board treated as a motion, counsel for the respondent advised the Board that the respondent did not oppose the relief sought by petitioners that the orders be amended to remove both Juan Reyes and Lightwave Energy and the finding of their liability from the orders; and
5. The petitioners did not oppose the respondent's motion of March 6, 2014. Therefore, the Board grants the petition and modifies the orders to remove Juan Reyes and Lightwave Energy from them.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

1. The order to comply with article 6 of the Labor Law and the order under article 19 of the Labor Law, both issued against Yudah Junger Sr., 2525 Contracting Inc., Juan Reyes and Lightwave Energy on October 11, 2013, are modified to remove the name of Juan Reyes and Lightwave Energy from the orders; and
2. The petition be, and the same hereby is, granted.



Vilda Vera Mayuga, Chairperson



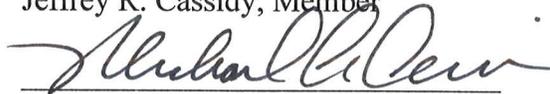
J. Christopher Meagher, Member



LaMarr J. Jackson, Member

Absent

Jeffrey R. Cassidy, Member



Michael A. Arcuri, Member

Dated and signed in the Office
of the Industrial Board of Appeals
at New York, New York, on
July 1, 2014.