

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

ANNE P. STEVASON
Chairman

Gregory A. Monteleone
Susan Sullivan-Bisceglia
J. Christopher Meagher
Mark G. Pearce
Members



Sandra M. Nathan
Deputy Counsel

Devin A. Rice
Associate Counsel

Empire State Plaza
Agency Building 2, 20th Floor
Albany, New York 12223
Phone: (518) 474-4785 Fax: (518) 473-7533

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

-----X

In the Matter of the Petition of:	:	
	:	
CORRIE BERMAN,	:	
	:	
Petitioner,	:	DOCKET NO. PES 07-010
	:	
To review under Section 101 of the Labor Law:	:	
Berman v. NYC Human Resources Administration	:	<u>RESOLUTION OF DECISION</u>
Public Employee Safety and Health Case No. 1551480	:	
	:	
-against-	:	
	:	
THE COMMISSIONER OF LABOR,	:	
	:	
Respondent.	:	

-----X

WHEREAS:

1. Pursuant to Labor Law § 101 and Part 66 of the Industrial Board of Appeals' Rules of Procedure and Practice (Rules) (12 NYCRR Part 66), the above proceeding was commenced on October 19, 2007 by the filing of a petition to review a Letter Determination of Respondent Commissioner of Labor (Commissioner) issued on August 23, 2007; and
2. The Commissioner filed an answer to the petition on January 2, 2008, alleging in part that the Petitioner had withdrawn the complaint that was the basis for the determination under review and annexing a copy of a form denominated as a "Complaint Withdrawal Request" purportedly signed by the Petitioner on December 27, 2007; and
3. On behalf of the Commissioner, a letter dated December 28, 2007 and apparently copied to the Petitioner was filed with the Board and advised that Petitioner had

withdrawn the “original complaint, the denial of which forms the basis of this appeal”; and

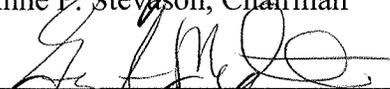
4. By letter dated January 10, 2008, the Board asked the Petitioner to state in writing by January 31, 2008, whether he wished to proceed with his appeal; and
5. The Board has received no response from the Petitioner to the January 10, 2008 letter and has received no correspondence from the Petitioner since 2007; and
6. In light of Petitioner’s failure to respond to the Board’s inquiry of January 10, 2008 and failure to otherwise contact the Board since 2007, the Board finds that the proceeding should be dismissed in accordance with the Rules.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

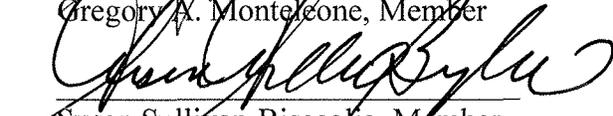
The above proceeding be, and the same hereby is, dismissed in accordance with the Board’s Rules of Procedure and Practice.



Anne P. Stevenson, Chairman



Gregory A. Monteleone, Member



Susan Sullivan-Bisceglia, Member



J. Christopher Meagher, Member



Mark G. Pearce, Member

Dated and signed in the Office of the Industrial Board of Appeals, at New York, New York, on May 28, 2008.

Filed in the Office of the Industrial Board of Appeals, at Albany, New York, on May 30, 2008.

SMN