

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of:	:
	:
ZYCH ENTERPRISES, INC.,	:
	:
Petitioner,	:
	:
To Review Under Section 101 of the Labor Law:	:
An Order to Comply With Article 6 of the Labor Law	:
and an Order to Comply Under Article 19 of the Labor	:
Law, each dated June 30, 2009,	:
	:
- against -	:
	:
THE COMMISSIONER OF LABOR,	:
	:
Respondent.	:
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DOCKET NO. PR 09-189

RESOLUTION OF DECISION

APPEARANCES

Matthew Zych, *pro se* Petitioner.
Jeffrey G. Shapiro, of counsel, for the Commissioner of Labor.

WHEREAS:

On July 15, 2009, the Petitioner filed with the Industrial Board of Appeals a petition for review of orders issued by Respondent Commissioner of Labor (Commissioner); however, copies of the orders were not attached. By letter dated July 20, 2009 enclosing a copy of the Board's Rules of Practice and Procedure (Rules) (12 NYCRR Part 66), the Board directed the Petitioner to file an amended petition and a copy of the orders sought to be reviewed in accordance with the Rules. The letter directed the Petitioners to file their amended petition on or before August 20, 2009, or the appeal may be dismissed without further notice.

By Resolution of Decision dated October 21, 2009, the Board dismissed this matter due to the Petitioner's failure to comply with the Board's directive to file an amended petition on or before August 20, 2009. The Petitioner filed a Motion for Reconsideration

dated January 17, 2010 stating that he believed he had already transmitted a copy of the orders for review to the Board. Since the original Petition was otherwise timely filed and we believe that the pro se Petitioner mistakenly understood that he had sent the orders for review to the Board, we grant the Motion for Reconsideration.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

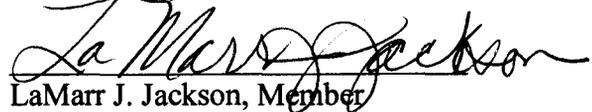
1. The Petitioners' motion for reconsideration is granted; and
2. The Board's Resolution of Decision in this matter issued October 21, 2009 is revoked; and
3. The Petitioners' petition filed on July 15, 2009 is reinstated; and
4. The Board will serve the petition on the Commissioner in accordance with the Rules; and
5. The Commissioner of Labor's answer to petition shall be filed with the Board in accordance with the Rule 66.5.


Anne P. Stevason, Chairman


J. Christopher Meagher, Member


Mark G. Pearce, Member


Jean Grumet, Member


LaMarr J. Jackson, Member

Dated and signed in the Office
of the Industrial Board of Appeals
at New York, New York, on
March 24, 2010.