

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of: :

MICHAEL DIPIETRO, :

Petitioner, :

DOCKET NO. PES 11-021

To Review Under Section 101 of the Labor Law: :
A Determination under Labor Law § 27-a dated :
October 28, 2011, :

RESOLUTION OF DECISION

- against - :

THE COMMISSIONER OF LABOR, :

Respondent. :
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WHEREAS:

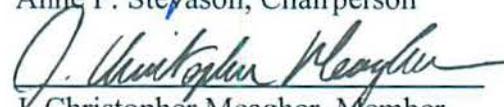
1. Pursuant to Labor Law § 101 and Part 66 of the Industrial Board of Appeals' Rules of Procedure and Practice (Rules) (12 NYCRR Part 66), the above proceeding was commenced on November 25, 2011 by the filing of a petition to review a Letter Determination of Respondent Commissioner of Labor (Commissioner) issued on October 28, 2011 that administratively closed the petitioner's complaint of retaliation; and
2. The Commissioner filed an answer to the petition on February 3, 2012; and
3. A Pre-Hearing Teleconference was held between the parties and the Board on July 18, 2012; and
4. By letter dated July 30, 2012, the Commissioner agreed to rescind its determination and conduct a further investigation of the petitioner's complaint, and requested that the matter be dismissed without prejudice; and
5. In light of the fact that the Commissioner has granted the Petitioner the relief requested, we dismiss the petition without prejudice since the decision under review has been rescinded;

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

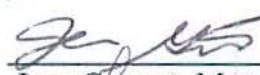
The above proceeding be, and the same hereby is, dismissed without prejudice in accordance with the Board's Rules of Procedure and Practice.



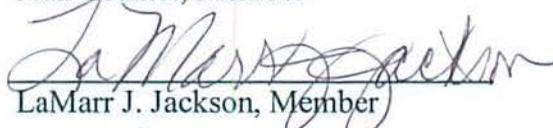
Anne P. Stevason, Chairperson



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 New York, New York, on
March 20, 2013.