

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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 In the Matter of the Petition of: :
 :
 DENNIS BRINKWORTH AND COLTER BAY :
 GRILL, INC. (T/A COLTER BAY GRILL), :
 :
 Petitioner, :
 :
 To Review Under Section 101 of the Labor Law: :
 An Order Under Labor Law Articles 6, 7 and 19, all :
 dated May 5, 2009 :
 - against - :
 :
 THE COMMISSIONER OF LABOR, :
 :
 Respondent. :
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DOCKET NO. PR 09-170

RESOLUTION OF DECISION

APPEARANCES

Dennis Brinkworth, *pro se* petitioner and for Colter Bay Grill, Inc.

Pico Ben-Amotz, Acting Counsel, NYS Department of Labor (Victor M. DeBonis of counsel), for respondent.

WHEREAS:

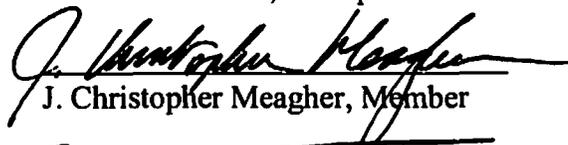
1. The above proceeding was commenced by the filing of a petition for review pursuant to Labor Law § 101 and Part 66 of the Industrial Board of Appeals' Rules of Procedure and Practice (Rules) (12 NYCRR Part 66) on July 6, 2009; and
2. Respondent filed its answer on September 18, 2009; and
3. Notice of a Pre-Hearing Conference set for November 14, 2011 was sent to the parties via facsimile and regular mail on October 31, 2011; and
4. On October 31, 2011, it was discovered that petitioner's telephone and fax numbers had been disconnected; and
5. Petitioner failed to call in for the teleconference on November 14, 2011; and

6. The Board's letter of October 31, 2011 was returned by the United States Post Office as "return to sender, not deliverable as addressed, unable to forward"; and
7. The petitioner did not notify the Board of a change of address; and
8. The Board finds that the petitioner by failing to notify us of a change of address, has abandoned its appeal, and that the proceeding should be dismissed in accordance with the Rules.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

This proceeding be, and the same hereby is, dismissed in accordance with the Board's Rules.

Anne P. Stevason, Chairperson

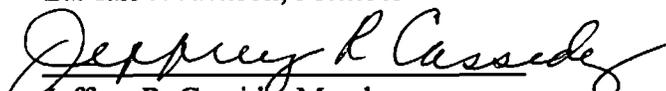


J. Christopher Meagher, Member



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 29, 2012.