

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

-----X
In the Matter of the Petition of: :

ROBBI KUMALO AND BALIDALI PRODUCTIONS, :
INC., :

Petitioners, :

DOCKET NO. PR 11-075

To Review Under Section 101 of the Labor Law: :
An Order to Comply With Article 6 and an Order :
Under Article 19 of the Labor Law, both dated January :
12, 2011, :

RESOLUTION OF DECISION

- against - :

THE COMMISSIONER OF LABOR, :

Respondent. :
-----X

APPEARANCES

Scott Michael Mishkin, PC (Scott Michael Mishkin of counsel), for petitioners.

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

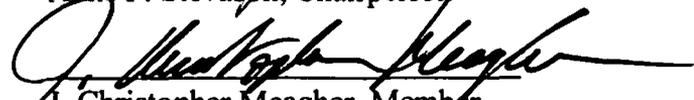
WHEREAS:

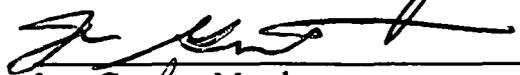
1. The above proceeding was commenced on March 11, 2011, when Petitioners Robbi Kumalo and Balidali Productions, Inc. filed a petition for review, pursuant to Labor Law § 101 and Part 66 of the Industrial Board of Appeals' Rules of Procedure and Practice (12 NYCRR Part 66) challenging Orders to Comply No. 10-01151 issued against them on January 12, 2011; and
2. On June 24, 2013, a letter was sent to the Board by Benjamin T. Garry, counsel for Respondent, stating that the DOL was withdrawing the Order to Comply because Petitioners provided credible evidence that an electronic transfer of the subject wages was made to the claimant prior to the Orders to Comply being issued.

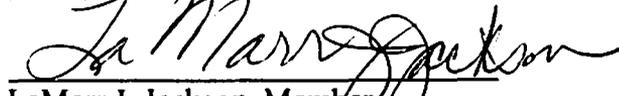
NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

1. The petition of Robbi Kumalo and Balidali Productions, Inc. is granted and the Orders issued on January 12, 2011 are hereby revoked.


Anne P. Stevason, Chairperson


J. Christopher Meagher, Member


Jean Grunet, 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
July 25, 2013.