

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of:

QUI YING CHEN,

Petitioner,

To Review Under Section 101 of the Labor Law:
An Order to Comply With Article 19 of the Labor
Law, dated October 24, 2011,

DOCKET NO. PR 11-342

RESOLUTION OF DECISION

- against -

THE COMMISSIONER OF LABOR,

Respondent.
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APPEARANCES

Qui Ying Chen, petitioner pro se.

Pico Ben-Amotz, Acting Counsel, NYS Department of Labor (Larissa C. Bates of counsel),
for respondent.

WHEREAS:

On October 31, 2011, the petitioner filed with the Industrial Board of Appeals a petition for review of orders issued by respondent Commissioner of Labor (Commissioner) against Qui Yu Chen a/k/a Hui Ping Liang and Magic QCC, Inc. The petition alleges that Qui Ying Chen received an Order to Comply No. 11-01091 dated October 24, 2011, at her address on 16th Street in Brooklyn, NY and that this had to be a mistake as she was not the addressee "Qui Yu Chen". A copy of the petition and an amended petition were served on the respondent on January 10, 2012.

By letter dated February 6, 2012, the respondent stated that he agrees with the factual contentions contained in the petition; specifically, that Qui Ying Chen is not the same person as Qui Yu Chen who is named in the Orders to Comply. Respondent does not oppose the relief requested, by making it clear in all files of respondent that Qui Ying Chen is not the same person as Qui Yu Chen referenced in Order to Comply No. 11-01091.

A copy of respondent's letter was sent to petitioner and will be placed in respondent's collections file to ensure that the petitioner is not involved in any further actions taken by respondent with respect to this matter.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

1. The orders have been modified and that respondent has issued Amended and Reissued Orders to Comply on November 14, 2011, that name Hui Ping Liang as a separate individual employer and not as an a/k/a of Qui Yu Chen as done on the original orders; and
2. The petition for review be, and the same hereby is, granted.

Absent

Anne P. Stevason, Chairman

J. Christopher Meagher

J. Christopher Meagher, Member

Jean Grumet

Jean Grumet, Member

LaMarr J. Jackson

LaMarr J. Jackson, Member

Jeffrey R. Cassidy

Jeffrey Cassidy, Member

Dated and signed in the Office
of the Industrial Board of Appeals
at New York, New York, on
December 14, 2012.