

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of: :

CHUN IL CHO AND MERMAID FOOD PLAZA :
CORP. (T/A FOOD PLAZA), :

Petitioners, :

DOCKET NO. PR 11-366

To Review Under Section 101 of the Labor Law: :
An Order to Comply with Article 19 and An Order :
under Article 19 of the Labor Law, both dated :
September 30, 2011, :

RESOLUTION OF DECISION

- against - :

THE COMMISSIONER OF LABOR, :

Respondent. :
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APPEARANCES

Chun Il Cho, petitioner *pro se* and for petitioner Mermaid Food Plaza Corp.

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

WHEREAS:

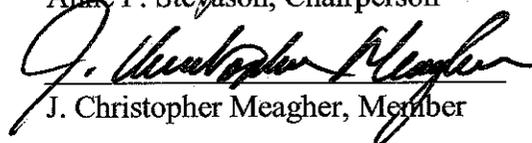
1. The above proceeding was commenced by the filing of a petition for review pursuant to Labor Law § 101 and Part 66 of the Industrial Board of Appeals' Rules of Procedure and Practice (Rules) (12 NYCRR Part 66) on November 23, 2011; and
2. Respondent filed its Answer on January 20, 2012; and
3. Notice of a Pre-Hearing Conference set for Monday, January 6, 2014 and Hearing set for Tuesday, March 4, 2014, was sent to the parties on December 12, 2013; and
4. The notice was returned by the United States Postal Service as not deliverable as addressed, unable to forward; and
5. The Chairman of the Board telephoned the number provided by petitioners on their petition and the number was not in service; and

6. Petitioners have failed to contact the Board to provide a correct address or phone number where the Board may contact them; and
7. Board Rule 65.4 provides that any change in contact information must be communicated promptly to the Board and failure to furnish such information shall be deemed a waiver of the right to notice and service under the Rules; and
8. The Board finds that petitioners, having failed to notify it of a change of address pursuant to Rule 65.4, have abandoned their appeal, and the proceeding should be dismissed in accordance with the Board's Rules.

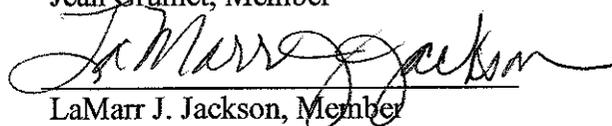
NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

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

Dated and signed in the Office
of the Industrial Board of Appeals
at New York, New York, on
January 16, 2014.

Jeffrey R. Cassidy, Member