

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of:

DARCI DEMATTEO AND SAY CHEESE AND
THANK YOU, LTD.,

Petitioners,

DOCKET NO. PR 12-151

To Review Under Section 101 of the Labor Law:
An Order to Comply with Article 6 of the Labor Law
and an Order Under Article 19 of the Labor Law, both
dated August 30, 2012,

RESOLUTION OF DECISION

- against -

THE COMMISSIONER OF LABOR,

Respondent.
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APPEARANCES

Darci DeMatteo, petitioner pro se, and for Say Cheese and Thank You, Ltd.

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

WHEREAS:

1. The above proceeding was commenced on October 12, 2012, when petitioners 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), which was subsequently amended; and
2. The Board served the amended petition on the respondent on November 27, 2012; and
3. By letter dated February 19, 2013, the respondent sent a letter to the Board stating that the respondent had confirmed that prior to issuance of the orders, the petitioners had paid the underlying claim, and that the petitioners did not receive "certain requests for documentation from the Department of Labor prior to the issuance of the Orders to Comply." Accordingly, the respondent stated that he would "be forwarding to the Board the usual letter executed by both parties indicating that the parties join in withdrawing the Petitioners from the Orders to comply;" and

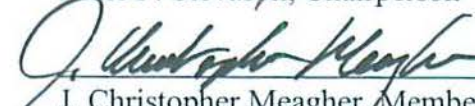
4. By letter dated July 19, 2013, the Board having received no further communication from the respondent, advised the respondent if he failed to file his jointly-executed request for relief by August 15, 2013, the Board would issue a decision revoking the orders based on the respondent's representation that the claim had been paid prior to issuance of the orders;
5. Having received no further correspondence from the parties in this matter, the orders are revoked.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

1. The orders are revoked; and
2. The petition for review be, and the same hereby is, granted.



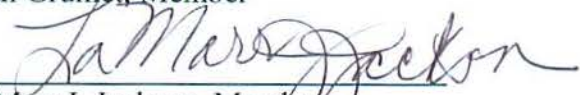
Anne P. Stevason, Chairperson



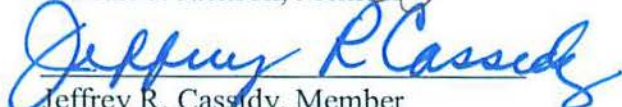
J. Christopher Meagher, Member



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
October 2, 2013.