STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

In the Matter of the Petition of: GLORIA WISE COMMUNITY CENTER INC., Petitioner, 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 6 of the Labor Law, both dated October 30, 2012, - against - THE COMMISSIONER OF LABOR, Respondent.	DOCKET NOS. PR 12-191 RESOLUTION OF DECISION ON MOTION FOR RECONSIDERATION

APPEARANCES

Frederick A. Lewis II, *pro se* for petitioner.

WHEREAS:

On November 30, 2012, the petitioner filed a petition in reference to order to comply # 12-00503. The petition was assigned docket number PR 12-191 and captioned matter of GLORIA WISE COMMUNITY CENTER, INC. Since a copy of the order was not enclosed with the petition as required by Board Rules of Procedure and Practice 66.3 (12 NYCRR 66.3), the Board requested by letter dated November 30, 2012, that the petitioner file an amended petition by December 28, 2012, or the appeal would be dismissed without notice.

On December 5, 2012, the petitioner filed an amended petition and subsequently clarified that he was filing the petition for himself and not for any other entities or individuals named in the orders. The amended petition was assigned docket number PR 12-193 and served on the respondent Commissioner of Labor on December 13, 2012. The Commissioner answered the amended petition on January 17, 2013.

By resolution of decision dated March 20, 2013, in the matter assigned docket number PR 12-191, the Board, not realizing that this appeal had been mistakenly assigned two docket numbers, dismissed the matter because the petitioner had failed to file an amended petition.

The petitioner contacted the Board to request that our decision of March 20, 2013 be revoked, and we grant such request since an amended petition had in fact been filed.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

1. The petitioner's request for reconsideration is granted; and

2. The Board's Resolution of Decision in this matter issued March 20, 2013 (PR 12-191) is revoked; and

3. This appeal will be identified by the Board as PR 12-193 and captioned MATTER OF FREDERICK A. LEWIS II; and

4. The case opened as PR 12-191 shall be administratively closed by the Board and the contents of such file transferred to PR 12-193.

Anne P. Stevason, Chairman

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
April 29, 2013.

The petitioner contacted the Board to request that our decision of March 20, 2013 be revoked, and we grant such request since an amended petition had in fact been filed.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

1. The petitioner's request for reconsideration is granted; and

2. The Board's Resolution of Decision in this matter issued March 20, 2013 (PR 12-191) is revoked; and

3. This appeal will be identified by the Board as PR 12-193 and captioned MATTER OF FREDERICK A. LEWIS II; and

4. The case opened as PR 12-191 shall be administratively closed by the Board and the contents of such file transferred to PR 12-193.

Anne P. Stevason, Chairman

J. Christopher Meagher, Member

Jean Grumet, Member

LaMarr J. Jackson, Member

Jeffrey R. Cassidy, Member

Dated and signed by a Member
of the Industrial Board of Appeals
at Rochester, New York, on
April 29, 2013.