

STATE OF NEW YORK  
INDUSTRIAL BOARD OF APPEALS

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 In the Matter of the Petition of: :  
 :  
 THOMAS C. AMENDOLA AND OCEAN BAY :  
 MASSAGE THERAPY, P.C., :  
 :  
 Petitioners, :  
 :  
 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 June 17 2013, :  
 :  
 - against - :  
 :  
 THE COMMISSIONER OF LABOR, :  
 :  
 Respondent. :  
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DOCKET NO. PR 13-093

RESOLUTION OF DECISION

**APPEARANCES**

Thomas C. Amendola, petitioner *pro se*, and for Ocean Bay Massage Therapy, P.C.

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

**WHEREAS:**


The above proceeding was commenced on July 15, 2013, when the 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) of two orders issued by the respondent Commissioner of Labor on June 17, 2013.

The petition alleges that the wages were paid to the claimant prior to issuance of the orders. By letter dated August 21, 2013, the respondent confirmed that such payment was, indeed, made prior to the issuance of the orders, and requests that the Board grant the petition and revoke the orders.

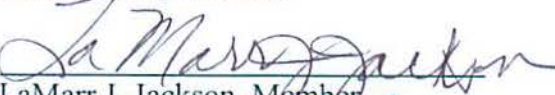
**NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:**

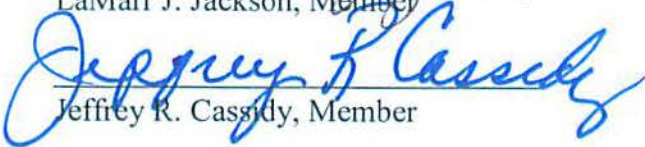
1. The orders are revoked; and
2. The petition be, and the same hereby is, granted.

  
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Anne P. Stevason, Chairperson

  
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J. Christopher Meagher, Member

  
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Jean Grunjet, Member

  
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LaMarr J. Jackson, Member

  
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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.