

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of: :
 :
CAROL A. BENEKE AND KENNETH J. BENEKE :
AND WILL BROOK FARMS, LLC (T/A :
WILLOWBROOK FARM), :
 :
 :
Petitioners, : DOCKET NO. PR 15-033
 :
 :
To Review Under Section 101 of the Labor Law: :
An Order To Comply With Article 19 of the Labor :
Law, and Order Under Article 19-A of the Labor : INTERIM
Law, both dated November 18, 2014, : RESOLUTION OF DECISION
 :
 :
- against - :
 :
THE COMMISSIONER OF LABOR, :
 :
Respondent. :
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APPEARANCES

Kenneth J. Beneke, petitioner pro se, and for Carol A. Beneke and Will Brooks Farms, LLC.

Pico Ben-Amotz, General Counsel, NYS Department of Labor (Steve J. Pepe of counsel), for respondent.

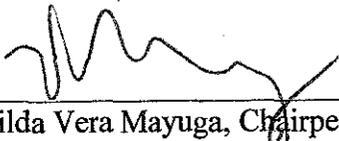
WHEREAS:

1. The above proceeding was commenced on February 5, 2015, 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) of the orders issued against them by respondent Commissioner of Labor on November 18, 2014; and
2. We served the petition on respondent on February 24, 2015, and respondent moved to dismiss the petition as untimely; and
3. We denied respondent's motion to dismiss and directed him to file an answer, which respondent filed on October 16, 2015; and
4. On March 30, 2016, respondent moved for an order granting permission to issue amended orders, with the proposed amended orders attached; and

5. Petitioners did not oppose the motion to amend and reissue the orders; and
6. The motion to amend and reissue the orders is granted.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

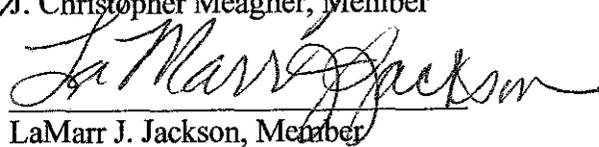
1. Respondent's motion to amend and reissue the orders is granted.
2. The orders as amended and reissued must be served by respondent on petitioners in accordance with Labor Law § 33 within 30 days of service of this interim resolution of decision.
3. Respondent must file proof of service of the amended and reissued orders with the Board within 15 days of service.
4. Upon the filing of proof of service of the amended and reissued orders, the matter will be further processed by the Board as may be appropriate.



Vilda Vera Mayuga, Chairperson



J. Christopher Meagher, Member



LaMarr J. Jackson, Member

Michael A. Arcuri, Member

Dated and signed by the Members
of the Industrial Board of Appeals
at New York, New York
on May 25, 2016.

5. Petitioners did not oppose the motion to amend and reissue the orders; and
6. The motion to amend and reissue the orders is granted.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

1. Respondent's motion to amend and reissue the orders is granted.
2. The orders as amended and reissued must be served by respondent on petitioners in accordance with Labor Law § 33 within 30 days of service of this interim resolution of decision.
3. Respondent must file proof of service of the amended and reissued orders with the Board within 15 days of service.
4. Upon the filing of proof of service of the amended and reissued orders, the matter will be further processed by the Board as may be appropriate.

Vilda Vera Mayuga, Chairperson

J. Christopher Meagher, Member

LaMarr J. Jackson, Member



Michael A. Arcuri, Member

Dated and signed by a Member
of the Industrial Board of Appeals
at Utica, New York on
May 25, 2016.