

STATE OF NEW YORK  
INDUSTRIAL BOARD OF APPEALS

-----X  
In the Matter of the Petition of: :  
 :  
ROYAL KABAB AND CURRY, INC., :  
 :  
 :  
Petitioner, :  
 :  
 :  
To Review Under Section 101 of the Labor Law: :  
Order to Comply # 09-00952, :  
 :  
 :  
- against - :  
 :  
THE COMMISSIONER OF LABOR, :  
 :  
 :  
Respondent. :  
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DOCKET NO. PR 16-056

RESOLUTION OF DECISION

**APPEARANCES**

Lawrence J. Silberman, Attorney, New York City, for petitioner.

**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 (12 NYCRR Part 66) on May 23, 2016, seeking to appeal order to comply # 09-00952 issued by the respondent Commissioner of Labor; and
2. The petition is deficient because the order or orders to be reviewed are not attached as required by Board Rule 66.3 (d); and
3. By letter dated May 24, 2016, the Board notified petitioner that an amended petition that conforms with Board Rule 66.3 must be filed by June 24, 2016, or the petition may be dismissed without further notice; and
4. On June 9, 2016, petitioner filed a duplicate of its original petition with an updated date of June 6, 2016 but again failed to attach the order or orders to be reviewed as required by Board Rule 66.3 (d); and
5. Pursuant to Board Rule 65.14, “the failure to file any pleading pursuant to these rules when due may . . . constitute a waiver of the right to further participation in the proceeding”; and
6. Petitioner has not filed an amended petition as directed by the Board; and
7. The petition, therefore, must be dismissed for failure to comply with Board Rule 66.3 (d).

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

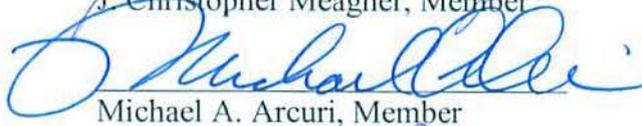
The petition for review is dismissed in accordance with the Board's Rules.



Vilda Vera Mayuga, Chairperson



J. Christopher Meagher, Member



Michael A. Arcuri, Member



Molly Doherty, Member



Gloribelle J. Perez, Member

Dated and signed by the Members  
of the Industrial Board of Appeals  
in Albany, New York on  
July 13, 2016.