

STATE OF NEW YORK  
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of: :  
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 AMBUSH ALARM & ELECTRONICS, INC., :  
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 :  
 : Petitioner, :  
 :  
 : DOCKET NO. PR 16-121  
 :  
 To Review Under Section 101 of the Labor Law: :  
 Order to Comply # 16-00311, :  
 :  
 : INTERIM  
 : RESOLUTION OF DECISION  
 : GRANTING RECONSIDERATION  
 :  
 :  
 - against - :  
 :  
 THE COMMISSIONER OF LABOR, :  
 :  
 : Respondent. :  
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**APPEARANCES**

*Jory Garelick*, for Ambush Alarm & Electronics, Inc.

*Pico Ben-Amotz*, General Counsel, New York State Department of Labor, Albany (*Kathleen Dix* of counsel), for respondent.

**WHEREAS:**

On October 24, 2016, petitioner filed a petition for review of orders issued by respondent Commissioner of Labor; however, copies of the orders were not attached. By letter dated October 24, 2016, pursuant to the Board's Rules of Practice and Procedure (Rules) (12 NYCRR) § 66.3, the Board directed petitioner to file an amended petition and a copy of the orders sought to be reviewed in accordance with the Rules. The letter directed petitioner to file an amended petition on or before November 24, 2016, or the petition would be dismissed without further notice. On November 21, 2016, petitioner attempted to file an amended petition, however, the orders were not attached as directed and required by the Rules. By letter dated December 21, 2016, the Board notified petitioner that the amended petition was deficient and that it must submit the orders by January 30, 2017, or the petition would be dismissed. Petitioner failed to submit the orders as directed by the Board and required by the Rules, and by Resolution of Decision dated May 3, 2017, the Board dismissed the matter.

Petitioner filed an application for reconsideration, dated May 25, 2017, stating that it did not receive the Board's letter directing it to file the orders appealed. By letter dated June 13, 2017, respondent advised the Board that she takes no position with respect to petitioner's application for reconsideration. We grant the motion for reconsideration.

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

1. Petitioner's application for reconsideration is granted; and
2. The Board's Resolution of Decision in this matter issued May 3, 2017 is revoked; and
3. Pursuant to Board Rule (12 NYCRR) § 66.3, petitioner is directed to file an amended petition in the form of an original and three copies of the petition with a complete copy of the order or orders at issue attached to each within 30 days of the service of this Interim Resolution of Decision; and
4. The Board will serve the amended petition on the Commissioner in accordance with the Board Rules; and
5. The Commissioner of Labor's response to the petition shall be filed with the Board in accordance with Board Rule (12 NYCRR) § 66.5.

  
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Vilda Vera Mayuga, Chairperson

  
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J. Christopher Meagher, Member

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Michael A. Arcuri, Member

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Molly Doherty, Member

  
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Gloribelle J. Percz, Member

Dated and signed by the Members  
of the Industrial Board of Appeals  
in New York, New York, on  
October 25, 2017.

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

1. Petitioner's application for reconsideration is granted; and
2. The Board's Resolution of Decision in this matter issued May 3, 2017 is revoked; and
3. Pursuant to Board Rule (12 NYCRR) § 66.3, petitioner is directed to file an amended petition in the form of an original and three copies of the petition with a complete copy of the order or orders at issue attached to each within 30 days of the service of this Interim Resolution of Decision; and
4. The Board will serve the amended petition on the Commissioner in accordance with the Board Rules; and
5. The Commissioner of Labor's response to the petition shall be filed with the Board in accordance with Board Rule (12 NYCRR) § 66.5.

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Vilda Vera Mayuga, Chairperson

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J. Christopher Meagher, Member

  
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Michael A. Arcuri, Member

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Molly Doherty, Member

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Gloribelle J. Perez, Member

Dated and signed by a Member  
of the Industrial Board of Appeals  
in Utica, New York, on  
October 25, 2017.