

STATE OF NEW YORK  
INDUSTRIAL BOARD OF APPEALS

|   |   |
|---|---|
| -----X  |   |
| In the Matter of the Petition of:             | : |
|   | : |
| 404 HENRY CORP D/B/A EL LIBERTADOR            | : |
| RESTAURANT,                                   | : |
|   | : |
| Petitioner,                                   | : |
|   | : |
| To Review Under Section 101 of the Labor Law: | : |
| An Order/s to Comply dated February 10, 2017, | : |
|   | : |
| - against -                                   | : |
|   | : |
| THE COMMISSIONER OF LABOR,                    | : |
|   | : |
| Respondent.                                   | : |
| -----X  |   |

DOCKET NO. PR 17-073

RESOLUTION OF DECISION

**APPEARANCES**

*Elizabeth Martinez*, Forest Hills, for petitioner.


**WHEREAS:**

1. The above proceeding was commenced by the filing of a petition for review pursuant to Labor Law § 101 and Industrial Board of Appeals Rules of Procedure and Practice (Board Rules) (12 NYCRR) § 66 on April 26, 2017, seeking to appeal an order/s to comply 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 Rules (12 NYCRR) § 66.3 (d); and
3. By letter dated May 4, 2017, the Board notified petitioner that it must file an amended petition that conforms with Board Rules (12 NYCRR) § 66.3 by June 5, 2017, or the petition may be dismissed without further notice; and
4. Pursuant to Board Rules (12 NYCRR) § 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
5. Petitioner has not filed an amended petition as directed by the Board; and
6. The petition, therefore, must be dismissed for failure to comply with Board Rules (12 NYCRR) § 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

  
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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 the Members  
of the Industrial Board of Appeals  
in New York, New York, on  
July 26, 2017.

