

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

-----X	
In the Matter of the Petition of:	:
	:
MILDRED SCHARF AND NIGHTINGALE	:
MANAGEMENT SERVICES,	:
	:
Petitioners,	:
	:
To Review Under Section 101 of the Labor Law:	:
An Order/s to Comply dated August 16, 2017,	:
	:
- against -	:
	:
THE COMMISSIONER OF LABOR,	:
	:
Respondent.	:
-----X	

DOCKET NO. PR 17-153

RESOLUTION OF DECISION

APPEARANCES

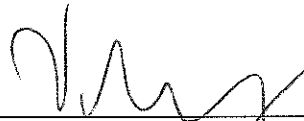
Brandon Tomony, for petitioners.

WHEREAS:

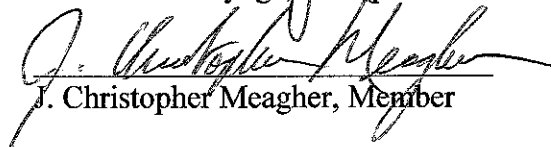
1. The above proceeding was commenced by the filing of a petition for review pursuant to Labor Law § 101 and Industrial Board of Appeals Rules of Procedure and Practice (Board Rules) (12 NYCRR) Part 66 on October 16, 2017, seeking to appeal an order or orders issued by respondent Commissioner of Labor; 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 November 13, 2017, the Board notified petitioners that they must file an amended petition that conforms with Board Rules (12 NYCRR) § 66.3 by December 13, 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. Petitioners have 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



J. Christopher Meagher, Member

Michael A. Arcuri, Member



Molly Doherty, Member



Gloribelle J. Perez, Member

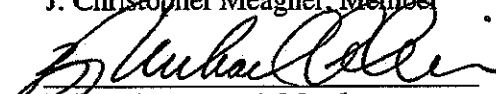
Dated and signed by the Members
of the Industrial Board of Appeals
in New York, New York, on
January 23, 2018.

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 a Member
of the Industrial Board of Appeals
in Utica, New York, on
January 23, 2018.