

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of: :
 :
JAMES C. NENNI, SR. AND JAMES C. NENNI, JR., :
AND NENNI CONSTRUCTION CO., :
 :
Petitioners, : DOCKET NO. PR 17-179
 :
To Review Under Section 101 of the Labor Law: : RESOLUTION OF DECISION
Order No. 17-00420, :
 :
- against - :
 :
THE COMMISSIONER OF LABOR, :
 :
Respondent. :
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APPEARANCES


Catania, Mahon, Milligram & Rider PLLC, Newburgh (*Robert E. DiNardo* of counsel), for petitioners.

WHEREAS:

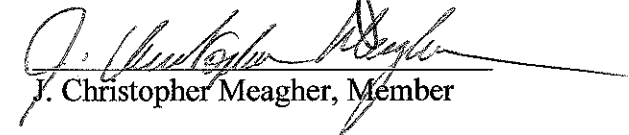
1. The above proceeding was commenced by the filing of a petition for review pursuant to Labor Law § 101 and Industrial Board of Appeals Rules of Procedure and Practice (Board Rules) (12 NYCRR) Part 66 on December 20, 2017, seeking to appeal an order or orders issued by respondent Commissioner of Labor; 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 January 10, 2018, the Board notified petitioners that they must file an amended petition that conforms with Board Rules (12 NYCRR) § 66.3 by February 9, 2018, 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

Absent

Gloribelle J. Perez, Member

Dated and signed by the Members
of the Industrial Board of Appeals
in New York, New York,
on June 6, 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

Absent

Gloribelle J. Perez, Member

Dated and signed by a Member
of the Industrial Board of Appeals
in Utica, New York,
on June 6, 2018.