

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of: :
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 :
MONICA A. CHOLEWA A/K/A MONIKA EMAD :
AND OLIVE TAN SPA, LLC T/A OLIVE ORGANIC, :
 :
 :
Petitioners, : DOCKET NO. PR 18-071
 :
 :
To Review Under Section 101 of the Labor Law: : RESOLUTION OF DECISION
An Order to Comply with the Labor Law dated October :
22, 2018, :
 :
 :
- against - :
 :
 :
THE COMMISSIONER OF LABOR, :
 :
 :
Respondent. :
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APPEARANCES

Monika Emad, petitioner *pro se* and for Petitioner Olive Tan Spa, LLC, New York, NY.

WHEREAS:

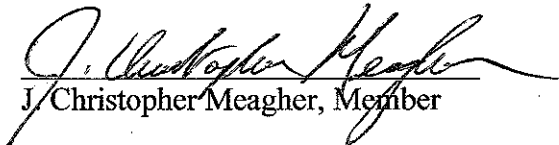
1. The above proceeding was commenced by the filing of a petition for review pursuant to Labor Law § 101 and Industrial Board of Appeals' Rules of Procedure and Practice (Rules) (12 NYCRR) Part 66 on October 31, 2018, seeking to appeal order to comply #18-00255 issued by respondent Commissioner of Labor; and
2. The petition is deficient because a complete copy of the order or orders to be reviewed are not attached, as required by Board Rule (12 NYCRR) § 66.3 (d); and
3. By letter, dated November 2, 2018, the Board notified petitioners that an amended petition that conformed with Board Rule (12 NYCRR) § 66.3 must be filed by December 3, 2018; and
4. Pursuant to Board Rule (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 Rule (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.



Molly Doherty, Chairperson



J. Christopher Meagher, Member

Michael A. Arcuri, Member



Gloribelle J. Perez, Member

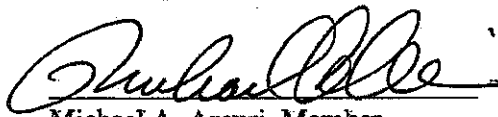
Dated and signed by the Members
of the Industrial Board of Appeals
in New York, New York, on
January 30, 2019.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

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

Molly Doherty, Chairperson

J. Christopher Meagher, Member



Michael A. Arcuri, Member

Gloribelle J. Perez, Member

Dated and signed by a Member
of the Industrial Board of Appeals
in Utica, New York, on
January 30, 2019.