

STATE OF NEW YORK  
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of:

ILYAS AHMAD,

Petitioner,

To Review Under Section 101 of the Labor Law:  
An Order to Comply with Articles 5, 6, and 19 of the  
Labor Law, dated January 10, 2019,

- against -

THE COMMISSIONER OF LABOR,

Respondent.  
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DOCKET NO. PR 19-014

RESOLUTION OF DECISION

**APPEARANCES**

*Ilyas Ahmed*, petitioner pro se.

*Pico Ben-Amotz*, General Counsel, NYS Department of Labor, Albany (*Kevin E. Jones* of counsel),  
for respondent.

**WHEREAS:**

The above proceeding was commenced on January 28, 2019, when petitioner filed a petition for review pursuant to Labor Law § 101 and Part 66 of the Industrial Board of Appeals' Rules of Procedure and Practice (12 NYCRR Part 66) challenging an order issued against petitioner, together with Mohammed D. Merdil T/A Kennedy Fried Chicken & Pizza. The petition states that Ilyas Ahmad was not properly named as an employer in this matter, was only a cashier at the business, and was not involved in any hiring or firing of the claimants identified in the order under review. Ilyas Ahmad is the sole petitioner in this case.

On February 4, 2019, the Board served the petition on respondent Commissioner of Labor. On February 22, 2019, the Board received a letter from respondent seeking leave to amend the order to comply to remove petitioner's name. Respondent asserted that, based on "further review of the case file, the Department has concluded that Petitioner was not an Employer as defined in Section 651.6 of the New York State Labor Law." The Board has deemed respondent's letter to be a motion seeking leave to amend the order.

After review of the petition and correspondence, and after full consideration of the Board's Rules of Procedure and Practice, the Board grants the motion and the order is amended to remove petitioner Ilyas Ahmad's name.

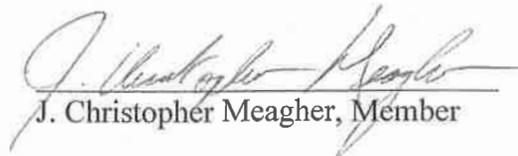
The underlying order named another individual who has not petitioned the Board to review the order pursuant to Labor Law § 101 (1). The underlying order as issued against that individual (Mohammed D. Merdil T/A Kennedy Fried Chicken & Pizza) remains valid unless declared invalid in a proceeding before the Board under Labor Law § 103 (1). Thus, the Board is granting the petition and revoking the order only as to the named individual Ilyas Ahmad.

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

1. Effective as of the date of this Resolution of Decision, the Board approves respondent's motion to amend the Order Under Articles 5, 6, and 19 of the Labor Law dated January 10, 2019 to remove Ilyas Ahmad's name, and
2. The petition of Ilyas Ahmad is granted.

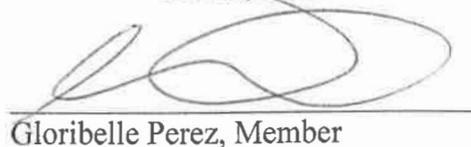


Molly Doherty, Chairperson



J. Christopher Meagher, Member

Michael A. Arcuri, Member



Gloribelle Perez, Member

Dated and signed by the Members  
of the Industrial Board of Appeals  
in New York, New York, on  
March 6, 2019.

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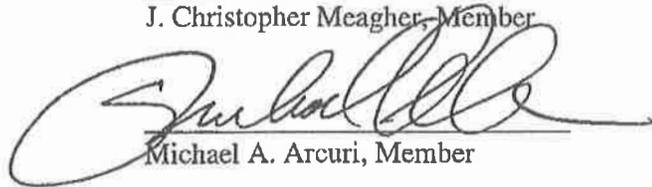
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Molly Doherty, Chairperson

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J. Christopher Meagher, Member



Michael A. Arcuri, Member

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Gloribelle Perez, Member

Dated and signed by a Member  
of the Industrial Board of Appeals  
in Utica, New York, on  
March 6, 2019.