

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of: :

MICHAEL J. O'BRIEN, JR., :

Petitioner, :

To Review Under Section 101 of the Labor Law: :
A Variance Issued Pursuant to Section 30 of the New :
York State Labor Law, dated January 31, 2019, :

DOCKET NO. PR 19-049

RESOLUTION OF DECISION

- against - :

THE COMMISSIONER OF LABOR, :

Respondent. :

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APPEARANCES

Michael J. O'Brien, Jr., petitioner pro se.

WHEREAS:

1. The above proceeding was commenced by the filing of a petition for review pursuant to Labor Law § 101 and the Rules of Procedure and Practice (Board Rules) (12 NYCRR) Part 66, on April 3, 2019, seeking to review an order issued by the respondent Commissioner of Labor against petitioner; and
2. The petition is deficient because it failed to comply with Board Rules § 66.3 (b) (1), (c), (e), and (g); and
3. By letter dated April 5, 2019, the Board notified petitioner at the address provided by the petitioner, that he must file an amended petition that conforms with Board Rules § 66.3 by April 10, 2019, or the petition may be dismissed without further notice; and
4. Pursuant to Board Rules § 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 failing to comply with Board Rules § 66.3.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

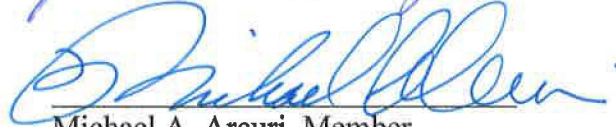
The petition for review be, and the same hereby is, dismissed in accordance with the Board's Rules.



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 May 29, 2019.