

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of:

404 HENRY CORP D/B/A EL LIBERTADOR
RESTAURANT,

Petitioner,

To Review Under Section 101 of the Labor Law:
An Order/s to Comply dated February 10, 2017,

- against -

THE COMMISSIONER OF LABOR,

Respondent.
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DOCKET NO. PR 17-073

RESOLUTION OF DECISION

APPEARANCES

Elizabeth Martinez, Forest Hills, for petitioner.

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) § 66 on April 26, 2017, seeking to appeal an order/s to comply issued by the 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 May 4, 2017, the Board notified petitioner that it must file an amended petition that conforms with Board Rules (12 NYCRR) § 66.3 by June 5, 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. Petitioner has 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
July 26, 2017.