

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of:

ABDUL KHALIK NASAR,

Petitioner,

To Review Under Section 101 of the Labor Law:
An Amended and Reissued Order Under Articles 5 and
19 of the Labor Law, dated February 1, 2018,

- against -

THE COMMISSIONER OF LABOR,

Respondent.
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DOCKET NO. PR 18-021

RESOLUTION OF DECISION

APPEARANCES

Abdul Khalik Nasar, Hicksville, petitioner pro se.

Pico Ben-Amotz, General Counsel, NYS Department of Labor, Albany (*Dawa Jung-Acosta* of counsel), for respondent.

WHEREAS:

The above proceeding was commenced on May 7, 2018, 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 amended and reissued order issued against him, together with Halim A. Khaliqi a/k/a Mulana Abdul and Aladin Zabiha Corp. t/a Aladin Grill and Halal Meat. Mr. Nasar is the sole petitioner in this case.

On May 9, 2018, the Board served the petition on respondent Commissioner of Labor. On June 5, 2018, 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 "new and credible" information, petitioner had been incorrectly named in the order as he "did not have any role in the management or operations of the business." The Board has deemed respondent's letter to be a motion seeking leave to amend the order.

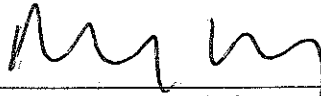
Petitioner did not oppose the motion.

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 Abdul Khalik Nasar's name.

The underlying order named another individual and a corporation; neither petitioned the Board to review the order pursuant to Labor Law § 101(1). The underlying order as issued against that individual (Halim A. Khaliqi A/K/A Mulana Abdul) and the corporation (Aladin Zahibi Corp.) 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 Abdul Khalik Nasar.

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 and 19 of the Labor Law issued February 1, 2018 to remove Abdul Khalik Nasar's name, and
2. The petition of Abdul Khalik Nasar 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
October 24, 2018.

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 Abdul Khalik Nasar's name.

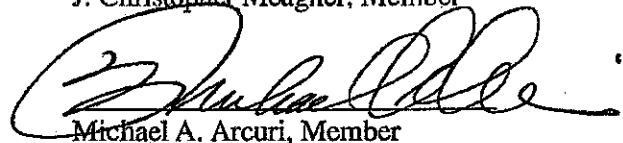
The underlying order named another individual and a corporation; neither petitioned the Board to review the order pursuant to Labor Law § 101(1). The underlying order as issued against that individual (Halim A. Khaliqi A/K/A Mulana Abdul) and the corporation (Aladin Zahibi Corp.) remains valid unless 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 Abdul Khalik Nasar.

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Molly Doherty, Chairperson

J. Christopher Meagher, Member


Michael A. Arcuri, Member

Gloribelle Perez, Member

Dated and signed by a Member
of the Industrial Board of Appeals
in Syracuse, New York, on
October 24, 2018.