

STATE OF NEW YORK  
INDUSTRIAL BOARD OF APPEALS

-----X	:	
In the Matter of the Petition of:	:	
	:	
AMBUSH ALARM & ELECTRONICS, INC.,	:	
	:	
Petitioners,	:	
	:	DOCKET NO. PR 16-121
To Review Under Section 101 of the Labor Law:	:	
An Order or Order to Comply # 16-00311,	:	<u>RESOLUTION OF DECISION</u>
	:	
- against -	:	
	:	
THE COMMISSIONER OF LABOR,	:	
	:	
Respondent.	:	
-----X	:	

**APPEARANCES**

*Jory Garelick*, petitioner pro se, and for Ambush Alarm & Electronics, Inc.

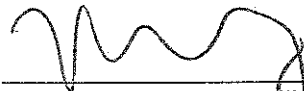
**WHEREAS:**


1. The above proceeding was commenced by the filing of a petition for review pursuant to Labor Law § 101 and the Industrial Board of Appeals Rules of Procedure and Practice (Board Rules) (12 NYCRR) § 66 on October 24, 2016, seeking to appeal an order or orders to comply issued by 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 Rule (12 NYCRR) § 66.3 (d); and
3. By letter dated October 24, 2016, the Board notified petitioner that it must file an amended petition that conforms with Board Rule (12 NYCRR) § 66.3 by November 24, 2016, or the petition may be dismissed without further notice; and
4. On November 21, 2016, petitioner filed an “amended petition,” however, the orders were not attached as directed and as required by the Rules; and
5. By letter dated December 21, 2016, the Board notified petitioner that the amended petition is deficient because the orders are not attached, and that it must submit the orders by January 30, 2017, or the petition will be dismissed; and
6. 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

7. Petitioner has not filed an amended petition as directed by the Board that conforms to Board Rule (12 NYCRR) § 66.3 (d); and
8. The petition, therefore, must be dismissed.

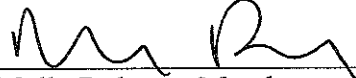
**NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:**

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 May 3, 2017.

7. Petitioner has not filed an amended petition as directed by the Board that conforms to Board Rule (12 NYCRR) § 66.3 (d); and
8. The petition, therefore, must be dismissed.

**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 a Member  
of the Industrial Board of Appeals  
in Utica, New York  
on May 3, 2017.