

STATE OF NEW YORK  
INDUSTRIAL BOARD OF APPEALS

-----X  
In the Matter of the Petition of:

AMBUSH ALARM & ELECTRONICS, INC.,

Petitioner,

To Review Under Section 101 of the Labor Law:  
Order to Comply # 16-00311,

- against -

THE COMMISSIONER OF LABOR,

Respondent.  
-----X

DOCKET NO. PR 16-121

RESOLUTION OF DECISION

**APPEARANCES**

*Jory Garelick*, for Ambush Alarm & Electronics, Inc.

*Pico Ben-Amotz*, General Counsel, New York State Department of Labor, Albany (*Kathleen Dix* of counsel), for respondent.

**WHEREAS:**

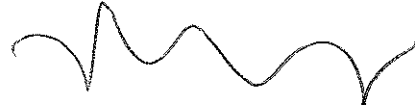
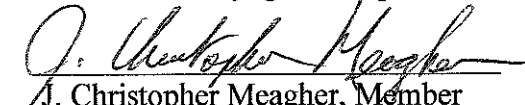

On October 24, 2016, petitioner filed a petition for review of orders issued by respondent Commissioner of Labor; however, copies of the orders were not attached. By letter dated October 24, 2016, pursuant to the Board's Rules of Practice and Procedure (Rules) (12 NYCRR) § 66.3, the Board directed petitioner to file an amended petition and a copy of the orders sought to be reviewed in accordance with the Rules. The letter directed petitioner to file an amended petition on or before November 24, 2016, or the petition would be dismissed without further notice. On November 21, 2016, petitioner attempted to file an amended petition, however, the orders were not attached as directed and required by the Rules. By letter dated December 21, 2016, the Board notified petitioner that the amended petition was deficient and that it must submit the orders by January 30, 2017, or the petition would be dismissed. Petitioner failed to submit the orders as directed by the Board and required by the Rules, and by Resolution of Decision dated May 3, 2017, the Board dismissed the matter.

Petitioner filed an application for reconsideration, dated May 25, 2017, stating that it did not receive the Board's letter directing it to file the orders appealed. By interim resolution of decision dated October 25, 2017, we granted petitioner's application for reconsideration and ordered petitioner to file an amended petition within 30 days with a complete copy of the orders

for review attached. As of the date of this decision, petitioner has failed to file an amended petition in compliance with our interim decision and the proceeding is 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  
January 23, 2018.

for review attached. As of the date of this decision, petitioner has failed to file an amended petition in compliance with our interim decision and the proceeding is 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  
January 23, 2018.