STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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| In the Matter of the Petition of: | : | |
| JABBAR E. MCDONALD (T/A BEST KEPT SERVICE), | : | |
| Petitioner, | : | DOCKET NO. PR 15-194 |
| To Review Under Section 101 of the Labor Law: An Order to Comply #15-00510, | : | RESOLUTION OF DECISION |
| - against - | : | |
| THE COMMISSIONER OF LABOR, | : | |
| Respondent. | : | |

**APPEARANCES**

Eliot H. Lebenhart, CPA, for petitioner.

**WHEREAS:**

1. The above proceeding was commenced by the filing of 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) on June 25, 2015, seeking to review an order issued by the respondent Commissioner of Labor against petitioner Jabbar E. McDonald (T/A Best Kept Service); and

2. The petition is deficient because the order or orders to be reviewed are not attached, as required by Board Rule 66.3 (d); and

3. By letter dated July 9, 2015, the Board notified petitioner that it must file an amended petition that conforms with Board Rule 66.3 by August 9, 2015, or the petition may be dismissed without further notice; and

4. Pursuant to Board Rule 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 Rule 66.3 (d).

**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.

Vilda Vera Mayuga, Chairperson
At Albany, New York

J. Christopher Meagher, Member
At Albany, New York

Absent
LaMarr J. Jackson, Member
At Rochester, New York

Michael A. Arcuri, Member
At Albany, New York

Dated and signed by the Members
of the Industrial Board of Appeals
on October 28, 2015.