

STATE OF NEW YORK  
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of:

LOUIS ESSMAN, M.D.,

Petitioner,

To Review Under Section 101 of the Labor Law:  
An Order to Comply # 16-00249

- against -

THE COMMISSIONER OF LABOR,

Respondent.  
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DOCKET NO. PR 16-127

RESOLUTION OF DECISION

**APPEARANCES**

Louis Essman, M.D., petitioner pro se.

**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 November 3, 2016, seeking to appeal an order to comply # 16-00249 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 66.3 (d); and
3. By letter dated November 9, 2016, the Board notified petitioner that an amended petition that conforms with Board Rule 66.3 must be filed by December 9, 2016, 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 failure to comply with Board Rule 66.3 (d).

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

The petition for review is dismissed in accordance with the Board's Rules.

  
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Vilda Vera Mayuga, Chairperson

  
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J. Christopher Meagher, Member

  
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Michael A. Arcuri, Member

Absent  
\_\_\_\_\_  
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 25, 2017.