

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of:

MOAL GROCERY & DELI, INC.,

Petitioner,

To Review Under Section 101 of the Labor Law:
Order to Comply # 15-00904 issued September 9, 2015,

- against -

THE COMMISSIONER OF LABOR,

Respondent.
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DOCKET NO. PR 15-321

RESOLUTION OF DECISION

APPEARANCES

Christopher Lynn, Esq., 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 October 9, 2015, seeking to appeal order to comply # 15-0094 issued by the respondent Commissioner of Labor on September 9, 2015; 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 October 21, 2015, the Board notified counsel for petitioner that he must file an amended petition that conforms with Board Rule 66.3 by November 21, 2015, or the petition may be dismissed without further notice; and
4. On October 29, 2015, we received a letter from petitioner's counsel dated October 7, which appears identical to the letter original filed with the Board on October 9, and which included incomplete copies of orders issued by respondent on September 9, 2015 against Abdurakeb Altareb and Saleh T. Mohammed and Moal Grocery & Deli, Inc.; and
5. By letter dated December 3, 2015, we advised counsel for petitioner that his correspondence of October 7, which we received on October 29, was insufficient, and extended the time for petitioner to file an amended petition until December 31, 2015; and

6. 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
7. Petitioner has not filed an amended petition as directed by the Board; and
8. 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 be, and the same hereby is, dismissed in accordance with the Board's Rules.



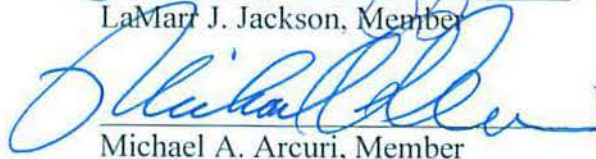
Vilda Vera Mayuga, Chairperson



J. Christopher Meagher, Member



LaMarr J. Jackson, Member



Michael A. Arcuri, Member

Dated and signed by the Members
of the Industrial Board of Appeals
at Albany, New York
on January 20, 2016