

STATE OF NEW YORK  
INDUSTRIAL BOARD OF APPEALS

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

ANN MARIE MANE A/K/A MAME N. MANE AND  
WEE CARE CHILDCARE, LLC,

Petitioners,

DOCKET NO. PR 19-076

To Review Under Section 101 of the Labor Law:  
An Order to Comply with Articles 6 and 19 of the Labor  
Law, dated April 17, 2019,

INTERIM  
RESOLUTION OF DECISION

- against -

THE COMMISSIONER OF LABOR,

Respondent.  
-----X

**APPEARANCES**

*Ann Marie DelloStritto*, petitioner pro se and for petitioner Wee Care Childcare, LLC.

**WHEREAS:**

On June 3, 2019, petitioners filed with the Industrial Board of Appeals (hereinafter "Board") a petition for review of an order issued by respondent Commissioner of Labor, however, complete copies of the orders were not attached. By letter dated June 13, 2019, the Board directed petitioners to file four (4) complete copies of the order sought to be reviewed in accordance with the Board's Rules of Practice and Procedure (Board Rules) (12 NYCRR) § 66. The letter directed petitioner to file an amended petition on or before July 13, 2019, or the appeal may be dismissed without further notice. By letter dated August 5, 2019, the Board notified petitioners that it still had not received complete copies of the order being appealed and that petitioners must request permission from the Board to file an amended petition with the requisite complete copies of the order. No response was received. By resolution of decision dated September 11, 2019, the Board dismissed this matter due to petitioners' failure to comply with the Board's directive to file complete copies of the order that they are asking the Board to review.

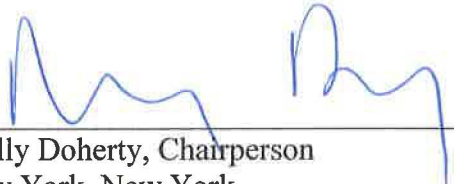
On November 6, 2019, petitioners requested that the Board reconsider its September 11, 2019, decision dismissing the petition. The request is signed by AnnMarie DelloStritto, a petitioner in the matter, and the person who purportedly signed the petition that was filed with the Board on June 3, 2019. The request asserts that the individual who was handling the petition, Mr. Rosenbaum, the purported owner of the corporate petitioner, Wee Care Child Care and Hanover Place Child Care, died and after going through his paperwork and finding correspondence from the Board, Ms. DelloStritto immediately contacted the Board.

On November 20, 2019, the Board advised respondent that it deemed petitioners' written request and enclosures as an application for reconsideration and that any written response to petitioners' application was to be filed with ten (10) days of respondent's receipt of the application, in accordance with Board Rules § 65.41. The Board received no such response. As such, petitioners' application for reconsideration is unopposed and we grant the application for reconsideration.

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

1. Petitioner's application for reconsideration is granted; and
2. The Board's Resolution of Decision in this matter issued September 11, 2019, is revoked; and
3. Pursuant to Board Rules (12 NYCRR) § 66.3, petitioners are directed to file an amended petition in the form of an original and three copies of the petition with a complete copy of the order or orders at issue attached to each within 30 days of the service of this Interim Resolution of Decision; and
4. The Board will serve the amended petition on the Commissioner in accordance with the Board Rules; and
5. The Commissioner of Labor's response to the petition shall be filed with the Board in accordance with Board Rules (12 NYCRR) § 66.5.

Dated and signed by the Members  
of the Industrial Board of Appeals  
on December 11, 2019.

  
\_\_\_\_\_  
Molly Doherty, Chairperson  
New York, New York

\_\_\_\_\_  
Michael A. Arcuri, Member  
Utica, New York

  
\_\_\_\_\_  
Gloribelle J. Perez, Member  
New York, New York  
\_\_\_\_\_  
Patricia Kakalec, Member  
New York, New York  
\_\_\_\_\_  
Najah Farley, Member  
New York, New York

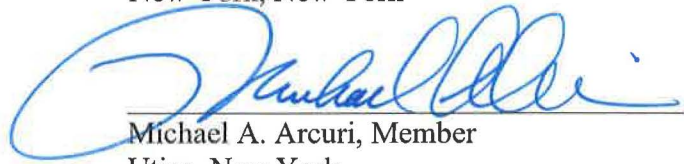
On November 20, 2019, the Board advised respondent that it deemed petitioners' written request and enclosures as an application for reconsideration and that any written response to petitioners' application was to be filed with ten (10) days of respondent's receipt of the application, in accordance with Board Rules § 65.41. The Board received no such response. As such, petitioners' application for reconsideration is unopposed and we grant the application for reconsideration.

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

1. Petitioner's application for reconsideration is granted; and
2. The Board's Resolution of Decision in this matter issued September 11, 2019, is revoked; and
3. Pursuant to Board Rules (12 NYCRR) § 66.3, petitioners are directed to file an amended petition in the form of an original and three copies of the petition with a complete copy of the order or orders at issue attached to each within 30 days of the service of this Interim Resolution of Decision; and
4. The Board will serve the amended petition on the Commissioner in accordance with the Board Rules; and
5. The Commissioner of Labor's response to the petition shall be filed with the Board in accordance with Board Rules (12 NYCRR) § 66.5.

Dated and signed by the Members  
of the Industrial Board of Appeals  
on December 11, 2019.

\_\_\_\_\_  
Molly Doherty, Chairperson  
New York, New York

  
\_\_\_\_\_  
Michael A. Arcuri, Member  
Utica, New York

\_\_\_\_\_  
Gloribelle J. Perez, Member  
New York, New York

\_\_\_\_\_  
Patricia Kakalec, Member  
New York, New York

\_\_\_\_\_  
Najah Farley, Member  
New York, New York