

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of:

MOHAMED K. ALSAIDI,

Petitioner,

To Review Under Section 101 of the Labor Law:

An Order to Comply with Article 19 of the Labor Law,
dated October 29, 2019,

- against -

THE COMMISSIONER OF LABOR,

Respondent.
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DOCKET NO. PR 19-154

RESOLUTION OF DECISION

APPEARANCES

Mohamed Alsaidi, petitioner pro se.

Pico P. Ben-Amotz, General Counsel, NYS Department of Labor, Albany (*Steven J. Pepe* of counsel), for respondent.

WHEREAS:

The above proceeding was commenced on December 13, 2019, when petitioner Mohamed K. Alsaidi filed a petition for review pursuant to Labor Law § 101 and the Industrial Board of Appeals (hereinafter “Board”) Rules of Procedure and Practice (hereinafter “Board Rules”) (12 NYCRR) Part 66 challenging an order to comply with Article 19 of the Labor Law, (hereinafter “order”) issued against the petitioner and Master Deli and Grocery Inc by the respondent, Commissioner of Labor. The petition alleges that petitioner has had no involvement in the subject business but instead was a tax preparer who contacted respondent on behalf of Master Deli and Grocery Inc regarding the order. Mohamed K. Alsaidi is the sole petitioner in this case.

On January 7, 2020, the Board served the petition on respondent Commissioner of Labor. On January 28, 2020, the Board received a letter from respondent stating that respondent seeks permission to “withdraw the subject Order to Comply in this matter, in lieu of filing an Answer to the Petition,” which the Board deems to be a motion seeking leave to amend the order to remove petitioner Mohamed K. Alsaidi’s name.

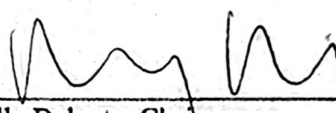
After review of the petition and correspondence, and after full consideration of the Board Rules, the Board grants respondent’s letter motion requesting permission to withdraw the order as amended to remove petitioner Mohamed K. Alsaidi’s name.

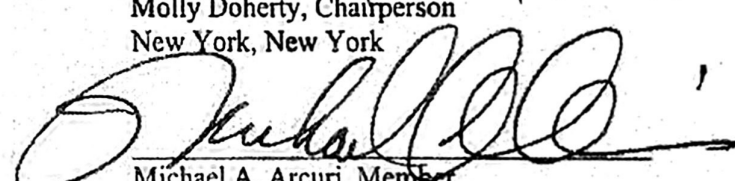
The underlying order named another corporate entity which did not petition the Board for review of the order pursuant to Labor Law § 101 (1). The underlying order as issued against that entity (Master Deli and Grocery Inc) remains valid unless declared invalid in a proceeding before the Board under Labor Law § 103 (1). Thus, the Board grants the petition and revokes the order only as to the named individual Mohamed K. Alsaïdi.

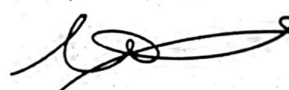
NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

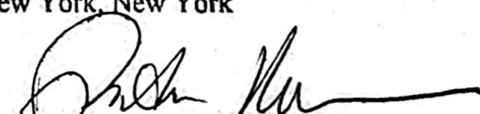
1. Effective as of the date of this Resolution of Decision, the Board grants respondent's motion to amend the order to comply with Article 19 of the Labor Law dated October 29, 2019, to remove Mohamed K. Alsaïdi; and
2. The petition of Mohamed K. Alsaïdi is granted.


Dated and signed by the Members
of the Industrial Board of Appeals
on June 24, 2020.



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
Brooklyn, New York

Najah Farley, Member
Brooklyn, New York