

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of:

VAUGHAN P. TONEY AND THE FRIENDS OF
CROWN HEIGHTS EDUCATIONAL CENTERS,
INC. AND ANTOINETTE HOLDER,

Petitioners,

To Review Under Section 101 of the Labor Law:
An Order(s) to Comply with the Labor Law (Order No.
19-00530),

- against -

THE COMMISSIONER OF LABOR,

Respondent.
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DOCKET NO. PR 19-156

RESOLUTION OF DECISION

APPEARANCES

Daryl Davis, for petitioners Vaughan P. Toney and The Friends of Crown Heights Educational Centers, Inc.

WHEREAS:

1. The above proceeding was commenced by the filing of a petition for review pursuant to Labor Law § 101 and the Industrial Board of Appeals Rules of Procedure and Practice (hereinafter “Board Rules”) (12 NYCRR) Part 66, on December 20, 2019, seeking to review an order issued by the respondent Commissioner of Labor against petitioners;
2. The petition is deficient because a complete copy of the order to be reviewed is not attached as required by Board Rule (12 NYCRR) § 66.3 (d); and
3. By letter dated January 7, 2020, the Board notified petitioners at the address provided in the petition that they must file an amended petition that includes a complete copy of the order for which petitioners seek review by February 6, 2020, or the petition might be dismissed without further notice; and
4. By letter dated February 24, 2020, the Board further advised petitioners, pursuant to Board Rules (12 NYCRR) § 65.14, that “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 directing petitioners to move, within ten (10) days of the date of the letter, to request permission

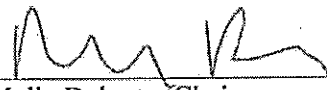
to file an untimely amended petition outlining the specific reason or reasons for the failure to timely file an amended petition; and

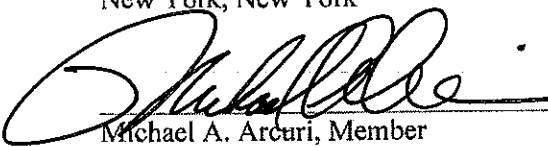
5. Pursuant to Board Rules (12 NYCRR) § 65.14, "the failure to file any pleading pursuant to these rules when due may . . . constitute a waiver of the right to further participation in the proceeding"; and
6. Petitioners have not filed an amended petition or moved to request permission to file an untimely amended petition, as directed by the Board; and
7. The petition, therefore, must be dismissed for failing to comply with Board Rules (12 NYCRR) § 66.3.


NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

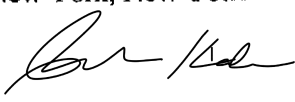
The petition for review be, and the same hereby is, dismissed in accordance with the Board's Rules.


Dated and signed by the Members
of the Industrial Board of Appeals
on November 18, 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