

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of:

RUBEN MUNET, ZENAIDA MUNET, RUBEN
MUNET, JR., AND SAINT JAMES PARK
DAYCARE CENTER INC.,

Petitioners,

To Review Under Section 101 of the Labor Law:
Order to Comply # 11-00648,

- against -

THE COMMISSIONER OF LABOR,

Respondent.
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DOCKET NO. PR 15-227

RESOLUTION OF DECISION

APPEARANCES

Zenaida Munet, petitioner pro se, and for Ruben Munet, Ruben Munet, Jr. and Saint James Park Daycare Center Inc.

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 July 31, 2015, seeking to appeal order to comply # 11-00648 issued by respondent Commissioner of Labor; and
2. The petition was dismissed by Resolution of Decision, dated October 28, 2015, because petitioners failed to file an amended petition as directed by the Board; and
3. By letter dated December 7, 2015, petitioners set forth various reasons they are unable to pay the wages, penalties, and interest respondent alleges are owed; and
4. By letter dated January 4, 2016, we advised petitioners that we were treating their letter of December 7, 2015 as a motion to reconsider our decision dismissing the petition, and we granted an extension until February 1, 2016 to file an amended petition; and
5. 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
6. Petitioners have not filed an amended petition as directed by the Board; and

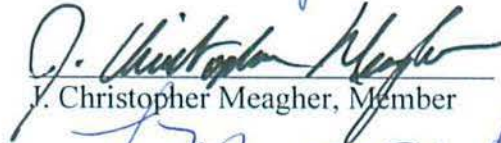
7. The motion for reconsideration is denied, and we confirm our decision of October 28, 2015 dismissing the petition.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

Petitioners' motion for reconsideration is denied and our decision of October 28, 2015 dismissing the proceeding is confirmed.



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 New York, New York
on March 2, 2016.

7. The motion for reconsideration is denied, and we confirm our decision of October 28, 2015 dismissing the petition.

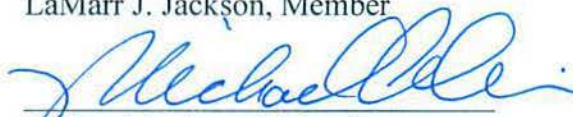
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Vilda Vera Mayuga, Chairperson

J. Christopher Meagher, Member

LaMarr J. Jackson, Member



Michael A. Arcuri, Member

Dated and signed in the Office
of the Industrial Board of Appeals
at Albany, New York, on
March 2, 2016.