

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of:

STEVE DONIGAN AND THE STEVE DONIGAN
AGENCY, INC.,

Petitioners,

DOCKET NO. PR 14-192

To Review Under Section 101 of the Labor Law:
An Order to Comply with Article 19 of the
Labor Law and an Order to Comply with Article 6 of
the Labor Law, both dated July 3, 2014,

RESOLUTION OF DECISION

- against -

THE COMMISSIONER OF LABOR,

Respondent.
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APPEARANCES

Steve Donigan, petitioner pro se and for The Steve Donigan Agency, Inc.

Pico Ben-Amotz, General Counsel, NYS Department of Labor (Benjamin T. Garry of counsel),
for respondent.

WHEREAS:

1. The above proceeding was commenced on August 29, 2014, when petitioners filed 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) of the orders issued by the respondent Commissioner of Labor against them on July 3, 2014; and
2. The respondent moved on October 27, 2014, for an order granting permission to issue Amended Orders to Comply. The respondent sought that relief because the Orders to Comply were issued under Article 19 and Article 6, against a "Stephen Donigan" and petitioner stated that was not his correct name in his petition and respondent acknowledges that the correct name and spelling for the employer for these orders is "Steve Donigan." The respondent wished to issue Amended Orders to Comply that would remove the name of "Stephen Donigan" and add the name "Steve Donigan" as a responsible party on the orders; and
3. The petitioners did not oppose the motion; and

4. The Board, by an Interim Resolution of Decision of March 11, 2015, approved the issuance of the amended orders as requested by the respondent, effective the date of the decision, but suspended any interest that had accrued between July 3, 2014, and the date the respondent files an answer with the Board and ordered the service of the amended orders on the petitioners in accordance with Labor Law § 33 within 30 days of the service of the decision; and
5. The Interim Resolution of Decision was served on the respondent on March 13, 2015; and
6. The respondent has not provided the Board with proof of service of the amended orders as ordered by the Board.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

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



Vilda Vera Mayuga, Chairperson
At Albany, New York



J. Christopher Meagher, Member
At Albany, New York

LaMarr J. Jackson, Member
At Rochester, New York

Michael A. Arcuri, Member
At Syracuse, New York

Dated and signed by the Members
of the Industrial Board of Appeals
on July 22, 2015.

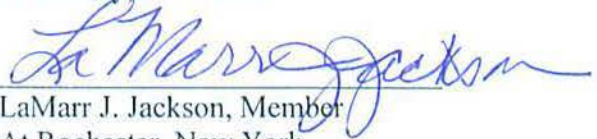
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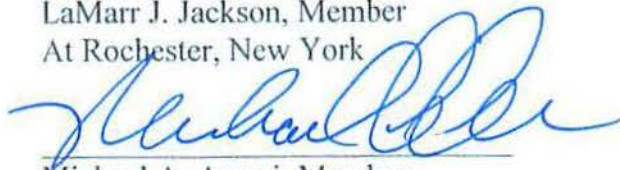
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