

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of:

STEVE KELLMAN AND TACC GENERAL
CONTRACTOR, INC.,

Petitioners,

DOCKET NO. PR 18-091

To Review Under Section 101 of the Labor Law:
An Order(s) to Comply with the Labor Law (Order No. :
18-000267),

RESOLUTION OF DECISION

- against -

THE COMMISSIONER OF LABOR,

Respondent.
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APPEARANCES

Steve Kellman and TACC General Contractor, Inc., petitioners pro se.

WHEREAS:

1. The above proceeding was commenced by the filing of a petition for review pursuant to Labor Law § 101 and the Rules of Procedure and Practice (Board Rules) (12 NYCRR) Part 66, on December 31, 2018, seeking to review an order issued by the respondent Commissioner of Labor against petitioners; and
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 February 21, 2019, the Board notified petitioners at the address provided by the petitioners, that they must file an amended petition that conforms with Board Rules (12 NYCRR) § 66.3 by March 21, 2019, or the petition may be dismissed without further notice; and
4. 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
5. Petitioners have not filed an amended petition as directed by the Board; and

6. The petition, therefore, must be dismissed for failing to comply with Board Rules (12 NYCRR) § 66.3 (d).

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.



Molly Doherty, Chairperson



J. Christopher Meagher, Member



Michael A. Arcuri, Member



Gloribelle J. Perez, Member

Dated and signed by the Members
of the Industrial Board of Appeals
in New York, New York,
on May 29, 2019.