

STATE OF NEW YORK  
INDUSTRIAL BOARD OF APPEALS

-----X  
In the Matter of the Objections to the Petition for : DOCKET NO. PES 11-006  
Modification of Abatement Date Granted to the :  
Bullville Fire District Pursuant to 12 NYCRR Part 804 : RESOLUTION OF DECISION  
-----X

**APPEARANCES**

Maria L. Colavito, Counsel, NYS Department of Labor, Jeffrey G. Shapiro of Counsel, for  
the Commissioner of Labor.

**WHEREAS:**

On November 24, 2010, the New York State Department of Labor's Public Employee Safety and Health Bureau (PESH) issued a notice of violation and order to comply to the Bullville Fire Department (the Fire Department) finding numerous violations and requiring their abatement by certain dates. On December 18, 2010, the Fire Department filed two petitions for modification of the abatement dates with PESH. One of the Fire Department's employees objected to the petition for modification of the abatement dates by letter to PESH dated December 28, 2010. PESH granted the petitions for modification of the abatement dates by letter dated January 18, 2011, and the Commissioner of Labor (Commissioner) forwarded the employee's objections to the Industrial Board of Appeals (Board) pursuant to 12 NYCRR 804.7 (a) by letter dated March 11, 2011.

12 NYCRR 804.7 (b) provides that:

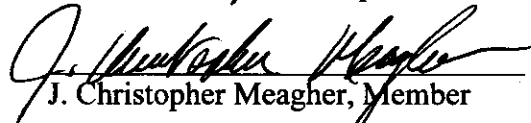
“Within 10 working days after the receipt of notice of the docketing by the Industrial Board of Appeals of any petition for modification of the abatement date, each party shall file a response setting forth whether it is aggrieved by such determination and the reasons for opposing the granting of the modification date requested in the petition. If no party is aggrieved, the board on its own motion shall dismiss the proceeding.”

Pursuant to this section, the Board sent a letter to the Commissioner, the Fire Department, and the employee, dated March 16, 2011, requesting them to advise the Board by March 30, 2011 whether they are aggrieved by PESH's granting of the petition for modification of abatement date and the reason or reasons for opposing it. There was no reply to the Board's letter. Accordingly, we dismiss this proceeding.

**NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:**

This proceeding be, and the same hereby is, dismissed in accordance with the Board's Rules.

  
\_\_\_\_\_  
Anne P. Stevason, Chairperson

  
\_\_\_\_\_  
J. Christopher Meagher, Member

  
\_\_\_\_\_  
Jean Grumet, Member

\_\_\_\_\_  
LaMarr J. Jackson, Member

\_\_\_\_\_  
Jeffrey R. Cassidy, Member

Dated and signed in the Office  
of the Industrial Board of Appeals  
at New York, New York, on  
July 26, 2011.

**NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:**

**This proceeding be, and the same hereby is, dismissed in accordance with the Board's Rules.**

\_\_\_\_\_  
Anne P. Stevason, Chairperson

\_\_\_\_\_  
J. Christopher Meagher, Member

\_\_\_\_\_  
Jean Grunet, Member

  
\_\_\_\_\_  
LaMarr J. Jackson, Member

\_\_\_\_\_  
Jeffrey R. Cassidy, Member

**Dated and signed in the Office  
of the Industrial Board of Appeals  
at Rochester, New York, on  
July 26, 2011.**

**NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:**

**This proceeding be, and the same hereby is, dismissed in accordance with the Board's Rules.**

\_\_\_\_\_  
Anne P. Stevason, Chairperson

\_\_\_\_\_  
J. Christopher Meagher, Member

\_\_\_\_\_  
Jean Grumet, Member

\_\_\_\_\_  
LaMarr J. Jackson, Member

  
\_\_\_\_\_  
Jeffrey R. Cassidy, Member

Dated and signed in the Office  
of the Industrial Board of Appeals  
at Albany, New York, on  
July 26, 2011.