

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Objections to the Petition for : DOCKET NO. PES 11-015
Modification of Abatement Date Granted to the City :
of New York Fire Department Pursuant to 12 NYCRR : RESOLUTION OF DECISION
Part 804 :
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APPEARANCES

Pico Ben-Amotz, Acting Counsel, NYS Department of Labor (Jeffrey G. Shapiro of counsel), for the Commissioner of Labor.

WHEREAS:

On July 19, 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 City of New York Fire Department (the Fire Department) finding two violations and requiring their abatement by a certain date. On May 25, 2011, the Fire Department filed a petition for modification of the abatement date with PESH. By letter dated June 2, 2011, Israel Miranda, Vice President of Local 2507, Uniformed EMT's, Paramedics and Inspectors - F.D.N.Y., District Council 37 AFSCME, AFL-CIO (Local 2507) objected to the petition for modification of the abatement date. PESH granted the petition for modification of the abatement date on June 10, 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 July 25, 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 Local 2507, dated July 28, 2011, requesting them to advise the Board by August 11, 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.

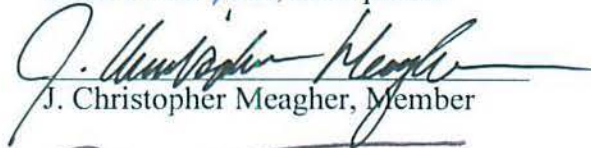
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NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

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
December 14, 2011.