

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

-----X
In the Matter of the Petition of: :

MT. VERNON CITY SCHOOL DISTRICT, :

Petitioner, :

DOCKET NO: PES 10-011

To Review Under Sections 101 and 27-a (6) (c) of the :
Labor Law: A Notice to Comply With Section 27-a of :
the Labor Law dated June 29, 2010, :

RESOLUTION OF DECISION

- against - :

THE COMMISSIONER OF LABOR, :

Respondent. :
-----X

APPEARANCES

August Autieri, for Mt. Vernon City School District.

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 (Rules) (12 NYCRR Part 66) on July 9, 2010; and
2. The petitioner's submission did not conform with the Board's Rules, in particular Rule 66.3 (b) (3) (12 NYCRR 66.3 [b] [3]), which requires a petitioner to include the name and address of the representative or representatives, if any, of the petitioner's employees; and
3. By letter, dated July 23, 2010, enclosing a copy of the Rules, the petitioner was requested to file an amended petition including the name and address of the employee's representative, if any, on or before August 27, 2010; and
4. On August 16, 2010 the petitioner sent an incomplete amended petition to the Board; and
5. On March 14, 2011, the Board left a telephone message for Mr. Autieri to contact the Board regarding the incomplete correspondence received on August 16, 2010; and
6. On April 13, 2011 Mr. Autieri left a message with the Board advising he was out of the state until April 25, 2011, and would resend the correspondence upon his return; and

7. The petitioner, to date, has not resent such incomplete correspondence, nor filed an amended petition as directed; and
8. The Board finds that the petitioner has had ample opportunity to comply with the Board's instructions, and that the proceeding should be dismissed in accordance with the Rules.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

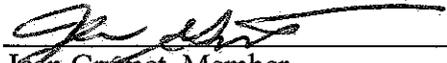
This proceeding be, and the same hereby is, dismissed in accordance with the Board's Rules.



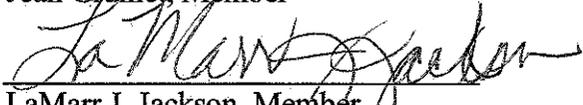
Anne P. Steyason, Chairperson



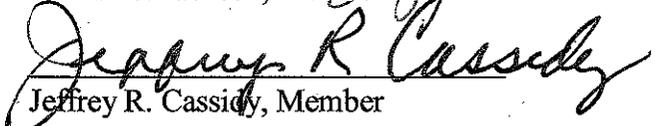
J. Christopher Meagher, Member



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
April 10, 2014.