

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of:	:
	:
PHILIP BERWALD AND THE MORTGAGE	:
BANKERS CORP.	:
(T/A MORTGAGE BANKERS),	:
	:
Petitioners,	:
	:
	: DOCKET NO. PR 08-148
	:
	: <u>RESOLUTION OF DECISION</u>
	:
To Review Under Section 101 of the Labor Law:	:
An Order to Comply with Article 6, and an Order	:
under Article 19 of the Labor Law, both dated	:
August 6, 2008,	:
	:
- against -	:
	:
THE COMMISSIONER OF LABOR,	:
	:
Respondent.	:
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APPEARANCES

Philip Berwald, *pro se*, for Petitioner.

Maria L. Colavito, Counsel to the New York State Department of Labor, Benjamin T. Garry of Counsel, for Respondent.

WHEREAS:

1. Pursuant to Labor Law Section 101 and Part 66 of the Board's Rules of Procedure and Practice (Rules), on October 1, 2008, Petitioners commenced the above proceeding by filing a petition for review of two Orders that Respondent Commissioner of Labor (Commissioner) issued against them on August 6, 2008; and
2. The Commissioner answered the petition on November 28, 2008; and
3. By correspondence, dated March 4, 2009, the Respondent notified the Board that the matter had settled; and
4. By letter, dated March 5, 2009 the Board requested that the Petitioners provide written notice that they wish to withdraw the petition and advised that if it did not receive such notice by April 6, 2009 the Board would assume that the petition was withdrawn; and

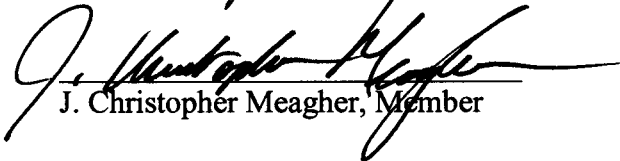
5. To date the Board has received no reply from Petitioners; and
6. The Board finds that further review of the Orders here is unnecessary, and that the petition should be discontinued and the petition dismissed.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

The above proceeding be, and the same hereby is, discontinued and the petition dismissed in accordance with the Board's Rules.



Anne P. Stevason, Chairman



J. Christopher Meagher, Member

Absent

Mark G. Pearce, Member

Absent

Jean Grunet, Member



LaMarr J. Jackson, Member

Dated and signed in the Office
of the Industrial Board of Appeals
at New York, New York, on
July 22, 2009.