

STATE OF NEW YORK  
INDUSTRIAL BOARD OF APPEALS

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

COMMUNICATION EMPIRE CORP. (T/A BLUE  
WIRELESS),

Petitioner,

DOCKET NO. PR 09-084

To Review Under Section 101 of the Labor Law:  
An Order Under Labor Law Article 19, dated February  
9, 2009,

RESOLUTION OF DECISION

- against -

THE COMMISSIONER OF LABOR,

Respondent.  
-----X

**APPEARANCES**

Helmi Agha, *pro se*, for Communication Empire Corp. (T/A Blue Wireless).

Pico Ben-Amotz, Acting Counsel, NYS Department of Labor (Benjamin A. Shaw of counsel), for respondent.

**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 April 13, 2009; and
2. Respondent filed its answer on April 30, 2010; and
3. Notice of a Pre-Hearing Conference set for July 25, 2011 was sent to the parties on July 8, 2011; and
4. On July 11, 2011, it was discovered that petitioner's telephone number was no longer in service; and
5. Petitioner failed to call in for the teleconference on July 25, 2011; and

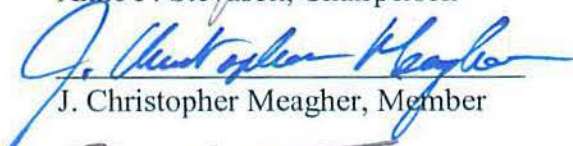
6. The Board sent out a Notice to all parties on August 8, 2011, for a Hearing set for October 19, 2011; and
7. The Board's notice to petitioner was returned by the United States Post Office as "return to sender, not deliverable as addressed, unable to forward"; and
8. On October 6, 2011, the Board sent another notice to petitioner regarding the October 19, 2011 Hearing
9. The Hearing was rescheduled for Thursday, June 14, 2012, in Buffalo, New York and notice was sent to the petitioner at the last known address provided to the Board by the petitioner, namely,
10. The petitioner did not notify the Board of any change of address; and
11. The Board finds that the petitioner by failing to notify us of a change of address, has abandoned its appeal, 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. Stevason, Chairperson

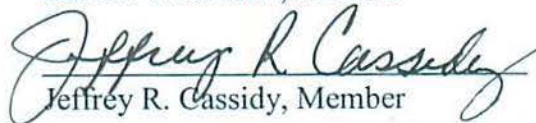


J. Christopher Meagher, Member



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  
February 6, 2013.



6. The Board sent out a Notice to all parties on August 8, 2011, for a Hearing set for October 19, 2011; and
7. The Board's notice to petitioner was returned by the United States Post Office as "return to sender, not deliverable as addressed, unable to forward"; and
8. On October 6, 2011, the Board sent another notice to petitioner regarding the October 19, 2011 Hearing
9. The Hearing was rescheduled for Thursday, June 14, 2012, in Buffalo, New York and notice was sent to the petitioner at the last known address provided to the Board by the petitioner, namely,
10. The petitioner did not notify the Board of any change of address; and
11. The Board finds that the petitioner by failing to notify us of a change of address, has abandoned its appeal, and that the proceeding should be dismissed in accordance with the Rules.

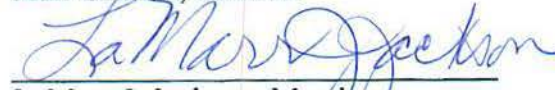
**NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:**

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

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

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

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

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

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

Dated and signed by a Member  
of the Industrial Board of Appeals  
at Rochester, New York, on  
February 14, 2013