

STATE OF NEW YORK  
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of:	:
	:
RENAULD A. GREGG and ANDREA GREGG and	:
RAG DEVELOPMENT GROUP CORP.,	:
	:
Petitioners,	:
	:
- against -	:
	:
THE COMMISSIONER OF LABOR,	:
	:
Respondent.	:
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DOCKET NO. PR 09-137

INTERIM  
RESOLUTION OF DECISION

WHEREAS:

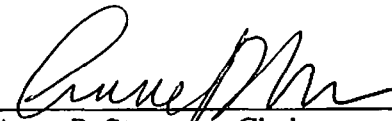
On June 4, 2009, Petitioners by their attorney filed with the Industrial Board of Appeals a petition for review of an order issued by Respondent Commissioner of Labor (Commissioner); however, a copy of the order was not attached. By letter dated June 24, 2009 enclosing a copy of the Board's Rules of Practice and Procedure (Rules) (12 NYCRR Part 66), the Board directed Petitioners' attorney to file an amended petition and a copy of the Order(s) sought to be reviewed in accordance with the Rules. The letter directed the Petitioners to file their amended petition on or before July 24, 2009, or the appeal may be dismissed without further notice.

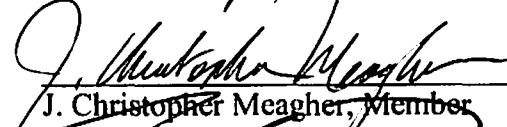
By Resolution of Decision dated August 27, 2009, the Board dismissed this matter due to the Petitioners' failure to comply with the Board's directive to file an amended petition on or before July 24, 2009. The Petitioners by their attorney filed a Motion for Reconsideration dated September 2, 2009 arguing that the amended petition was filed with the Board on June 14, 2009. Upon review of our records, we agree that the Petitioners did file an amended petition on June 14, 2009 and grant the Motion for Reconsideration.

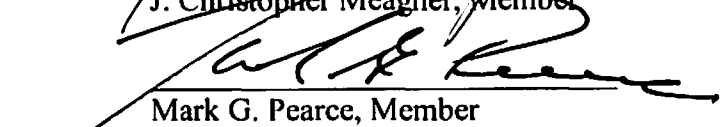
NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

1. The Petitioners' motion for reconsideration is granted; and
2. The Board's Resolution of Decision in this matter issued August 27, 2009 is revoked; and
3. The Petitioners' petition filed on June 4, 2009 is reinstated; and

4. The Petitioners' proposed amended petition attached to their Motion for Reconsideration is accepted as Petitioners' amended petition and deemed filed as of the date of this Interim Resolution of Decision; and
5. A copy of the amended petition with the orders to be reviewed attached is to be served by the Board on the Commissioner of Labor in accordance with the Rule 66.4; and
6. The Commissioner of Labor's answer to Petitioner's amended petition shall be filed with the Board in accordance with the Rule 66.5.

  
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Anne P. Stevason, Chairman

  
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J. Christopher Meagher, Member

  
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Mark G. Pearce, Member

  
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Jean Grumet, Member

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

Dated and signed in the Office  
of the Industrial Board of Appeals  
at New York, New York, on  
October 21, 2009.