

STATE OF NEW YORK  
INDUSTRIAL BOARD OF APPEALS

-----X  
 In the Matter of the Petition of: :  
 :  
 LORRAINE YARDE, :  
 :  
 Petitioner, :  
 :  
 To Review Under Section 101 of the Labor Law: :  
 An Order to Comply With Article 6 of the Labor Law :  
 and an Order to Comply Under Article 19 of the Labor :  
 Law, each dated February 11, 2010, :  
 :  
 - against - :  
 :  
 THE COMMISSIONER OF LABOR, :  
 :  
 Respondent. :  
 -----X

DOCKET NO. PR 10-089  
RESOLUTION OF DECISION

APPEARANCES

Lorraine Yarde, *pro se* Petitioner.

Maria L. Colavito, Counsel, New York State Department of Labor, Jeffrey G. Shapiro, of counsel, for Respondent.

WHEREAS:

On March 26, 2010, the petitioner filed a petition for review of orders issued by respondent Commissioner of Labor (Commissioner); however, copies of the orders were not attached. By letter dated April 8, 2010 enclosing a copy of the Board's Rules of Practice and Procedure (Rules) (12 NYCRR Part 66), the Board directed the petitioner to file an amended petition and a copy of the orders sought to be reviewed in accordance with the Rules. The letter directed the petitioner to file her amended petition on or before May 10, 2010, or the appeal may be dismissed without further notice.

By Resolution of Decision dated May 26, 2010, the Board dismissed this matter due to the petitioner's failure to comply with the Board's directive to file an amended petition on or before May 10, 2010. The petitioner filed a Motion for Reconsideration

dated June 9, 2010 stating that she did not receive the Board's letter directing her to file an amended petition<sup>1</sup>. Since the original petition was otherwise timely filed and the petitioner has subsequently submitted a copy of the orders for review, we grant the Motion for Reconsideration.

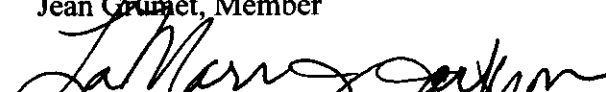
NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

1. The Petitioners' motion for reconsideration is granted; and
2. The Board's Resolution of Decision in this matter issued May 26, 2010 is revoked; and
3. The petition filed on March 26, 2010 is reinstated; and
4. The Board will serve the petition on the Commissioner in accordance with the Rules; and
5. The Commissioner of Labor's answer to the petition shall be filed with the Board in accordance with the Rule 66.5.

  
Anne P. Stevason, Chairman

  
J. Christopher Meagher, Member

  
Jean Grunet, Member

  
LaMarr J. Jackson, Member

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Jeffrey R. Cassidy, Member

Dated and signed in the Office  
of the Industrial Board of Appeals  
at New York, New York, on  
September 22, 2010.

<sup>1</sup> We note that the petitioner also requests consolidation with a related case, Docket No. PR 10-056. We decline to rule on such request at this time and instruct the petitioner that if she desires consolidation, she must file her motion, with proof of service on the Commissioner and the other party, after the Board serves the petition.

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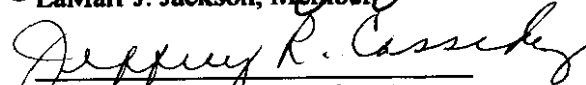
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