

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of:

HAROLD KUEMMEL AND CREATIVE
TRUCKING INC.,

Petitioners,

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
December 22, 2010,

- against -

THE COMMISSIONER OF LABOR,

Respondent.
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DOCKET NO. PR 11-052

RESOLUTION OF DECISION

APPEARANCES

Harold Kuemmel, petitioner *pro se*, for petitioners.

Pico Ben-Amotz, Acting Counsel, NYS Department of Labor (Benjamin T. Garry, 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 February 24, 2011; and
2. Respondent Commissioner of Labor filed an answer to the petition on April 15, 2011; and
3. Upon notice by the Board to petitioners at their address of record listed in the petition, 58-83 54th Street, Maspeth, New York 11378, a pre-hearing Calendar Conference was scheduled for April 10, 2013; and
4. The notice was returned by the USPS as not deliverable as addressed, unable to forward; and
5. Petitioner failed to call in on the conference on April 10, 2013; and

6. The Board left a voice mail message at petitioners' phone number listed in the petition advising them to contact the Board with their correct address so the Board may both communicate with them in the future and reschedule the conference; and
7. Petitioners have failed to contact the Board to provide a correct address where the Board may contact them; and
8. Board Rule 65.4 provides that any change in contact information must be communicated promptly to the Board and failure to furnish such information shall be deemed a waiver of the right to notice and service under the Rules.
9. The Board finds that petitioners have failed to notify it of a change of address pursuant to Rule 65.4, have abandoned their appeal, and the proceeding should be dismissed in accordance with the Board's Rules.

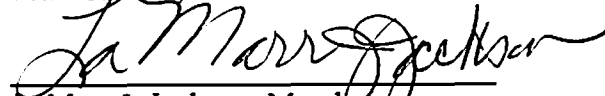
NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

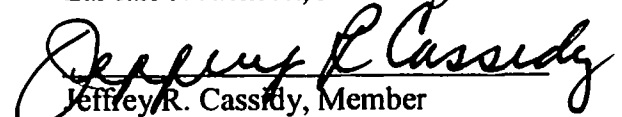
This proceeding be, and the same hereby is, dismissed in accordance with the Board's Rules.


Anne P. Stevason, Chairman


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
July 25, 2013