

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of:

WILLIAM ROBBINS AND RUBBERFORM
RECYCLED PRODUCTS, LLC,

Petitioners,

To Review Under Section 101 of the Labor Law:
An Order to Comply # 11-00172

- against -

THE COMMISSIONER OF LABOR,

Respondent.
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DOCKET NO. PR 11-256

RESOLUTION OF DECISION
ON APPLICATION FOR
RECONSIDERATION

APPEARANCES

Wm. J. Robbins, petitioner *pro se*, and for Rubberform Recycled Products, LLC.

WHEREAS:

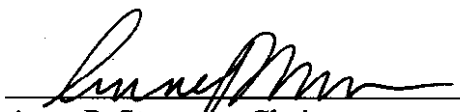
On August 8, 2011, the petitioners filed a petition with the Board attempting to appeal order to comply #11-00172; however, a copy of the order was not attached. By letter dated September 1, 2011, enclosing a copy of the Board's Rules of Practice and Procedure (Rules) (12 NYCRR Part 66), the Board directed the petitioners to file an amended petition and a copy of the orders sought to be reviewed in accordance with the Rules. The letter directed the petitioners to file their amended petition on or before October 3, 2011.

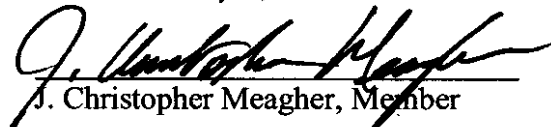
No amended petition having been filed, the Board dismissed the matter by Resolution of Decision dated December 14, 2011. The petitioners filed a letter which the Board treated as a Motion for Reconsideration dated January 31, 2012, and received by the Board on February 3, 2012, stating that it had not received the September 1, 2011 letter directing them to file an amended petition. Indeed, a review of the Board's file in this matter indicates that although the September 1 letter was never returned as "undelivered" by the post office, it was, in fact, incorrectly addressed.

Since the petition was otherwise timely filed, and our own correspondence directing the filing of an amended petition was incorrectly addressed, we grant the Motion for Reconsideration.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

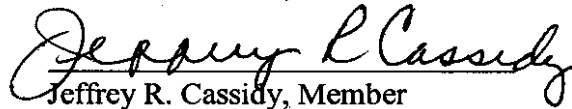
1. The petitioners' motion for reconsideration is granted; and
2. The Board's Resolution of Decision in this matter issued December 14, 2011 is revoked; and
3. The petitioners must file an amended petition with the Board, which includes a copy of the orders to comply, and which otherwise complies with Board Rule 66.3 within 30 days of the date of this Decision; and
4. The Board will serve the amended petition on the Commissioner in accordance with the Rules; and
5. The Commissioner of Labor's response to the amended petition shall be filed with the Board in accordance with the Rule 66.5.


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
May 30, 2012.

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 December 14, 2011 is revoked; and
3. The petitioners must file an amended petition with the Board, which includes a copy of the orders to comply, and which otherwise complies with Board Rule 66.3 within 30 days of the date of this Decision; and
4. The Board will serve the amended petition on the Commissioner in accordance with the Rules; and
5. The Commissioner of Labor's response to the amended 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

Jeffrey R. Cassidy, Member

Dated and signed by a Member
of the Industrial Board of Appeals
at Rochester, New York, on
June 4, 2012.