

Respondent obtained a judgment against petitioner on August 2, 2012, in Supreme Court, Kings County in the amount of \$43,010.09 and notice of that judgment was sent to Mr. Samela on September 27, 2012.

On October 22, 2012, the petitioner filed a Petition for Review dated July 26, 2012, that the Board treated as a Motion for Reconsideration. Respondent filed a Reply Affirmation on October 29, 2012, in opposition to Petitioner's request for reconsideration of the Board's Resolution of Decision dated December 14, 2011.

By Resolution of Decision dated December 14, 2012, the Board affirmed the decision of December 14, 2011. The petitioner filed a motion for reconsideration of the December 14, 2012 decision on January 28, 2013, requesting the Board to reconsider its decision based upon the timely filing of the original petition and referencing the defenses it has to the claims, its long-standing good business record, and the impact on its business from Hurricane Sandy.

The Board taking all matters into consideration and being especially cognizant of the desire of the government of the State of New York to help citizens and businesses recover from the devastating impact of Hurricane Sandy on many communities in the state, has reconsidered our earlier denial and now wishes to reopen this matter for a hearing.

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 and Resolution of Decision on Motion for Reconsideration of December 14, 2012, are both revoked; and
3. The matter will be scheduled by the designated Hearing Officer for a pre-hearing conference and hearing as soon as possible.





Anne P. Stevason, Chairperson



J. Christopher Meagher, Member



Jean Grumet, Member

Dated and signed in the Office
of the Industrial Board of Appeals
at New York, New York, on
April 29, 2013.

LaMarr J. Jackson, Member



Jeffrey R. Cassidy, Member

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Anne P. Stevason, Chairperson

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Jean Grumet, Member



LaMarr J. Jackson, Member

Dated and signed by a Member
of the Industrial Board of Appeals
at Rochester, New York, on
April 29, 2013.

Jeffrey R. Cassidy, Member