

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of:

LONG XIU ZHAO AND ROYAL BODYWORK
SPA CORP.,

Petitioners,

DOCKET NO. PR 13-061

To Review Under Section 101 of the Labor Law:
An Order to Comply Under Articles 5, 6, and 19 of
the Labor Law, dated March 14, 2013,

RESOLUTION OF DECISION

- against -

THE COMMISSIONER OF LABOR,

Respondent.
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APPEARANCES

Sung Soo Kim, designated representative for Yong Shu Jin, Ying Shu Zhu, and Royal 22 Spa, Inc.

Pico Ben-Amotz, Acting Counsel, NYS Department of Labor (Matthew D. Robinson-Loffler of counsel), for respondent.

WHEREAS:

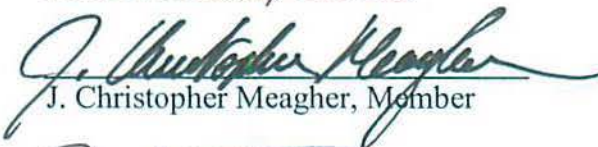
On May 13, 2013, the petitioners, Yong Shu Jin, Ying Shu Zhu, and Royal 22 Spa, Inc., filed a petition to review three orders issued by the respondent against Long Xiu Zhao and Royal Bodywork Spa Corp. The respondent moved on August 26, 2013 to dismiss the petition because the petitioners were not named in the orders. A case management conference was held on December 9, 2013 during which the petitioners' representative explained that the petitioners are the owners of a new business in the same location as the one named in the orders and have no relationship to the parties and entities listed in the orders. Accordingly, we grant the respondent's motion to dismiss because the petitioners are not named in the orders and have no standing to file this appeal.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

1. The Respondent's motion to dismiss is granted and the proceeding is dismissed according to the Board's Rules.



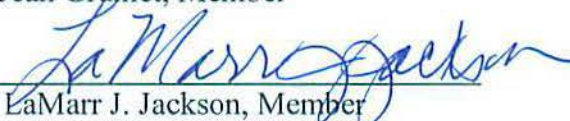
Anne P. Stevason, Chairman



J. Christopher Meagher, Member



Jean Grumet, Member



EaMarr 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
February 27, 2014.