

STATE OF NEW YORK  
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of:

CHRISTOPHER MURPHY,

Petitioner,

To Review Under Section 101 of the Labor Law:  
A determination of the Commissioner of Labor  
dated August 9, 2013,

- against -

THE COMMISSIONER OF LABOR,

Respondent.  
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DOCKET NO. PR 13-158

RESOLUTION OF DECISION

**APPEARANCES**

Christopher Murphy, petitioner *pro se*.

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

**WHEREAS:**

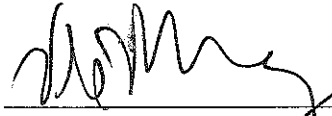
On October 8, 2013, the petitioner filed a petition to review the respondent's decision of August 9, 2013, to not pursue a wage claim filed by the petitioner. The respondent moved on November 27, 2013, to dismiss because the Board does not have jurisdiction to review a decision by the Commissioner of Labor (Commissioner) to not pursue a claim. In *Matter of John Ode*, PR 10-191 (April 27, 2011) citing *Matter of Toohey* PR 09-223 (January 27, 2010), we held that under Labor Law § 101, the Board only has jurisdiction to review rules, regulations or orders made by the Commissioner, and found that we did not have authority to review a decision by the Commissioner to not pursue the petitioner's claim. We find that here, as in *Ode*, the Commissioner's decision to not pursue the petitioner's claim is not a rule, regulation or order, and therefore cannot be reviewed by the Board under Labor Law § 101. Since we have no jurisdiction in this matter, the petition must be dismissed.

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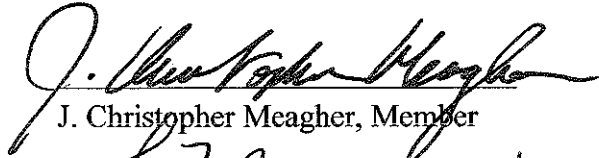
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**NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:**

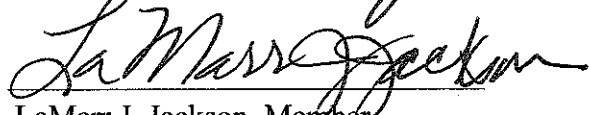
1. The Petition for Review be, and the same hereby is, denied.



Vilda Vera Mayuga, Chairperson



J. Christopher Meagher, Member



LaMarr J. Jackson, Member

Absent

Michael A. Arcuri, Member

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Frances P. Abriola, Member

Dated and signed in the Office of  
the Industrial Board of Appeals,  
at New York, New York, on  
March 11, 2015.

**NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:**

1. The Petition for Review be, and the same hereby is, denied.

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Vilda Vera Mayuga, Chairperson

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J. Christopher Meagher, Member

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LaMarr J. Jackson, Member

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Michael A. Arcuri, Member

  
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Frances P. Abriola, Member

Dated and signed in the Office  
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