

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of: :

ANN MARIE MANE A/K/A MAME N. MANE AND :
WEE CARE CHILDCARE, LLC, :

Petitioners, :

DOCKET NO. PR 19-076

To Review Under Section 101 of the Labor Law: :
An Order(s) to Comply with Articles 6 and 19 of the :
Labor Law, dated April 17, 2019, :

RESOLUTION OF DECISION

- against - :

THE COMMISSIONER OF LABOR, :

Respondent. :
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APPEARANCES

Ann Marie Dellostritto petitioner pro se and for petitioner Wee Care Childcare, LLC.

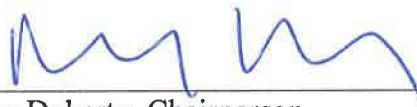
WHEREAS:

1. The above proceeding was commenced by the filing of a petition for review pursuant to Labor Law § 101 and the Industrial Board of Appeals Rules of Procedure and Practice (hereinafter “Board Rules”) (12 NYCRR) Part 66, on June 3, 2019, seeking to review an order issued by the respondent Commissioner of Labor against petitioners;
2. The petition is deficient because a complete copy of the order to be reviewed is not attached as required by Board Rules (12 NYCRR) § 66.3 (d); and
3. By letter dated June 13, 2019, the Board notified petitioners that they must file an amended petition that includes a complete copy of the order for which petitioners seek review by July 13, 2019, or the petition might be dismissed without further notice; and
4. By letter dated August 5, 2019, the Board further advised petitioners, pursuant to Board Rules (12 NYCRR) § 65.14, that “the failure to file any pleading pursuant to these rules when due may . . . constitute a waiver of the right to further participation in the proceeding” and directing petitioners to move, within 10 days of the date of the letter, to request permission to file an untimely amended petition outlining the specific reason or reasons for the failure to timely file an amended petition; and

5. Pursuant to Board Rules (12 NYCRR) § 65.14, “the failure to file any pleading pursuant to these rules when due may . . . constitute a waiver of the right to further participation in the proceeding”; and
6. Petitioners have not filed an amended petition or moved to request permission to file an untimely amended petition, as directed by the Board; and
7. The petition, therefore, must be dismissed for failing to comply with Board Rules (12 NYCRR) § 66.3 (d).

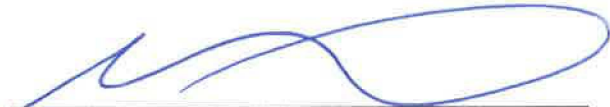
NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

The petition for review be, and the same hereby is, dismissed in accordance with the Board’s Rules.



Molly Doherty, Chairperson
New York, New York

Michael A. Arcuri, Member
Utica, New York



Gloribelle J. Perez, Member
New York, New York



Patricia Kakalec, Member
New York, New York



Najah Farley, Member
New York, New York

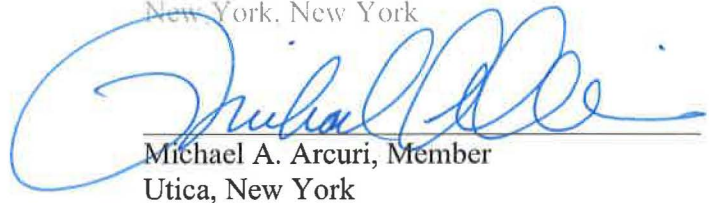
Dated and signed by the Members
of the Industrial Board of Appeals
on September 11, 2019.

5. Pursuant to Board Rules (12 NYCRR) § 65.14, “the failure to file any pleading pursuant to these rules when due may . . . constitute a waiver of the right to further participation in the proceeding”; and
6. Petitioners have not filed an amended petition or moved to request permission to file an untimely amended petition, as directed by the Board; and
7. The petition, therefore, must be dismissed for failing to comply with Board Rules (12 NYCRR) § 66.3 (d).

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