

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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Susan Sullivan-Bisceglia
J. Christopher Meagher
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STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of:	:	
	:	
CLARENCE CARNAHAN,	:	
	:	
Petitioner,	:	
	:	DOCKET NO. PR-07-094
To review under Section 101 of the Labor Law:	:	
An Order to Comply with the Labor Law	:	<u>RESOLUTION OF DECISION</u>
	:	
- against -	:	
	:	
THE COMMISSIONER OF LABOR,	:	
	:	
Respondent.	:	

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WHEREAS:

1. The above proceeding was commenced by the filing of a Petition for review pursuant to Labor Law Section 101 and Part 66 of the Industrial Board of Appeals' Rules of Procedure and Practice (Rules) (12 NYCRR Part 66) on December 17, 2007; and
2. By letter, dated December 20, 2007, enclosing a copy of the Rules, the Petitioner was advised to file an Amended Petition, a copy of the order(s) sought to be reviewed, and his telephone number in accordance with the Rules 66.3 (b) (1) and (d), no later than January 18, 2007; and
3. On February 20, 2007, the Petitioner filed copies of correspondence from the Department of Labor concerning orders issued against him, but he did not file copies of any order. Nor did the Petitioner provide his telephone number; and
4. By letter, dated April 29, 2008, the Petitioner was advised that the "documents that you [provided] are not copies of an order; rather they are copies of a letter." Petitioner was

further advised that his Petition would not be processed until he provided the Board with a copy of the order(s) that he wants reviewed and they he would be given until May 16, 2008 to file the order(s). Finally, the Petitioner was also advised that “[i]f you have any questions about identifying the order, please telephone. . . .”; and

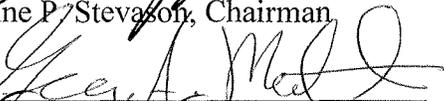
5. To date, copies of the order(s) have not been filed and are now past due; and
6. Based upon the above, the Board finds that the Petitioner has had ample opportunity to provide the Board with a copy of the order(s) to be reviewed, and that the proceeding should be dismissed in accordance with the Rules.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

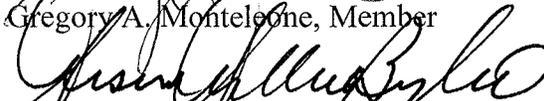
The above proceeding be, and the same hereby is, dismissed in accordance with the Board’s Rules of Procedure and Practice.



Anne P. Stevasof, Chairman



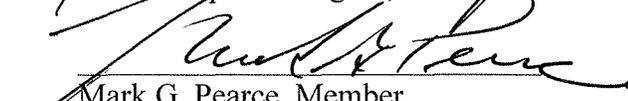
Gregory A. Monteleone, Member



Susan Sullivan-Bisceglia, Member



J. Christopher Meagher, Member



Mark G. Pearce, Member

Dated and signed in the Office of the Industrial Board of Appeals, at New York, New York, on May 28, 2008.

Filed in the Office of the Industrial Board of Appeals, at Albany, New York, on May 30, 2008.

SMN