

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of:

JOHN J. GIOINO AND SUPERIOR
LANDSCAPING OF L.I. INC. (T/A SUPERIOR
LANDSCAPING DESIGN),

Petitioners,

To Review Under Section 101 of the Labor Law:
An Order to Comply # 13-00900, dated September 30,
2013.

- against -

THE COMMISSIONER OF LABOR,

Respondent.
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DOCKET NO. PR 13-202

RESOLUTION OF DECISION

APPEARANCES

John J. Gioino, petitioner *pro se* and for petitioner Superior Landscaping of L.I., Inc.

WHEREAS:

1. The above proceeding was commenced by the filing of a petition for review pursuant to Labor Law § 101 and Part 66 of the Industrial Board of Appeals' Rules of Procedure and Practice (Rules) (12 NYCRR Part 66) on December 16, 2013; and
2. The petitioner's submission did not conform with the Board's Rules, in particular Rule 66.3; and
3. By letter, dated January 7, 2014, enclosing a copy of the Rules, the petitioner was requested to file an amended petition including a complete copy of the order or orders for review and to state the reasons the orders are alleged to be invalid or unreasonable (Board Rules 66.3), on or before February 7, 2014; and
4. The Board's letter of January 7, 2014, advised the petitioner that failure to file an amended petition on or before February 7, 2014, could result in the appeal being dismissed without further notice; and
5. As of the date of this decision, the petitioner has not filed an amended petition as directed; and

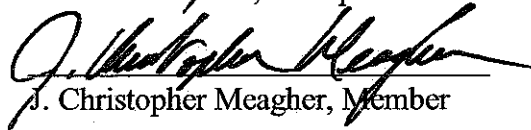
6. The Board finds that the petitioner has had ample opportunity to comply with the Board's instructions, and that the proceeding should be dismissed in accordance with the Rules.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

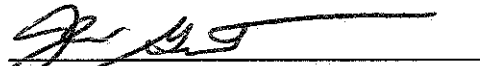
This proceeding be, and the same hereby is, dismissed in accordance with the Board's Rules.



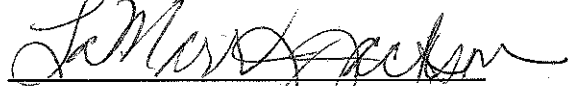
Anne P. Stevenson, Chairperson



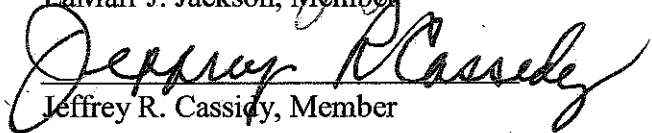
J. Christopher Meagher, Member



Jean Grumet, Member



LaMarr 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
April 10, 2014.