

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of:

POUGHKEEPSIE CITY SCHOOL DISTRICT
(INSPECTION # 1459950),

Petitioner,

To Review Under Section 101 of the Labor Law:
An Order Assessing Penalties,

- against -

THE COMMISSIONER OF LABOR,

Respondent.
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DOCKET NO. PES 21-004

RESOLUTION OF DECISION

APPEARANCES

Poughkeepsie City School District, Poughkeepsie, (*Robert McDow*, Interim Chief Finance & Business Official), for petitioner.

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 May 5, 2021, seeking to review an order assessing penalties issued by the respondent Commissioner of Labor against petitioner; and
2. The petition is deficient because a complete copy of the order assessing penalties to be reviewed is not attached as required by Board Rule (12 NYCRR) § 66.3 (d); and
3. By letter dated May 14, 2021, the Board notified petitioner that, among other things, they must file an amended petition that includes a complete copy of the order for which petitioner seeks review by June 13, 2021, or the petition might be dismissed without further notice; and
4. By letter dated June 24, 2021, the Board further advised petitioner, 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 petitioner to move, within ten (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. Petitioner has 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, is dismissed for failing to comply with Board Rules (12 NYCRR) § 66.3.

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.

Dated and signed by the Members
of the Industrial Board of Appeals
on July 14, 2021.




 Molly Doherty, Chairperson
 New York, New York

ABSENT

 Michael A. Arcuri, Member
 Utica, New York



 Najah Farley, Member
 Brooklyn, New York



 Patricia Kakalec, Member
 Brooklyn, New York



 Sandra Abeles, Member
 New York, New York