

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of:

CHRISTIAN GOMES AND 440 JERICHO
TURNPIKE AUTO SALES, LLC
(D/B/A FORD OF SMITHTOWN),

Petitioners,

: DOCKET NO. PR 09-007

To Review Under Section 101 of the Labor Law:
An Order to Comply with Article 6 and an Order
under Article 19 of the Labor Law, both dated
December 4, 2008,

: RESOLUTION OF DECISION

- against -

THE COMMISSIONER OF LABOR,

Respondent.
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APPEARANCES

Paula J. Costantini and Robert Edwards, *pro se*, for the Petitioner

Maria L. Colavito, Counsel, NYS Department of Labor, Benjamin A. Shaw of Counsel, for Respondent.

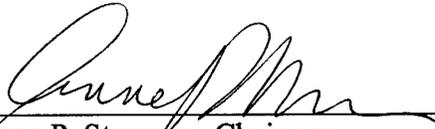
WHEREAS:

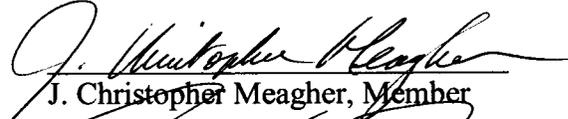
1. Pursuant to Labor Law Section 101 and Part 66 of the Board's Rules of Procedure and Practice (Rules), on January 20, 2009, Petitioner commenced the above proceeding by filing a petition for review of two Orders that Respondent Commissioner of Labor (Commissioner) issued on December 4, 2008 against Petitioner; and
2. The Commissioner answered the petition on April 7, 2009; and
3. The parties participated in a pre-hearing telephone conference held on behalf of the Board; and
4. On November 18, 2009 the parties filed a fully executed Stipulation of Settlement; and

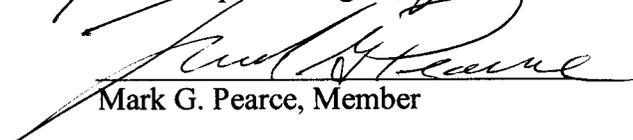
5. The parties' Settlement provides, in part, that the Petitioner withdraws the petition; and
6. Rule 65.15 provides that "[a]t any stage of a proceeding, a party may withdraw his petition . . . subject to the approval of the Board"; and
7. The Board approves the Petitioner's withdrawal of the petition, finds that further review of the Order here is unnecessary, and that the proceeding should be discontinued.

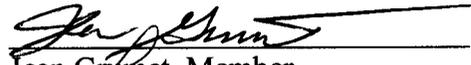
NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

The above proceeding be, and the same hereby is, discontinued in accordance with the Board's Rules.


Anne P. Stevason, Chairman


J. Christopher Meagher, Member


Mark G. Pearce, Member


Jean Grumet, Member


LaMarr J. Jackson, Member

Dated and signed in the Office
of the Industrial Board of Appeals
at New York, New York, on
December 14, 2009.