

STATE OF NEW YORK  
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of:	:
	:
ERIC KUVYKIN AND ALLSTATE MERCHANT	:
SERVICE, LLC,	:
	:
Petitioners,	:
	:
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	:
March 16, 2009,	:
	:
- against -	:
	:
THE COMMISSIONER OF LABOR,	:
	:
Respondent.	:
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DOCKET NO. PR 09-074

RESOLUTION OF DECISION

APPEARANCES

Edwin F. Westfield, Esq., for Petitioners.

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

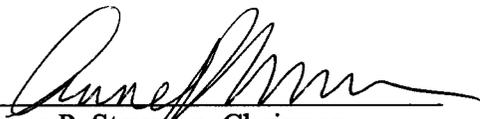
WHEREAS:

1. Pursuant to Labor Law Section 101 and Part 66 of the Board's Rules of Procedure and Practice, on April 2, 2009, the Petitioner commenced the above proceeding by filing a petition for review of the Orders that the Respondent Commissioner of Labor (Commissioner) issued March 16, 2009 against the Petitioners; and
2. The Commissioner filed an answer to the petition on May 14, 2009; and
3. On March 2, 2010 the parties filed a fully executed Stipulation of Settlement (Settlement); and
4. The parties' Settlement provides, in part, that the Petitioners withdraw the petition; and

5. The Board's Rules of Procedure and Practice (Rules) 65.15 provide the "[a]t any stage of a proceeding, a party may withdraw his petition . . . subject to the approval of the Board"; and
6. The Board approves the Petitioners' withdrawal of the petition, finds that further review of the Orders here is unnecessary, and that the proceeding should be discontinued.

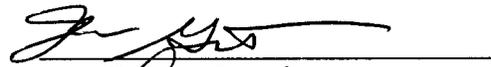
NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

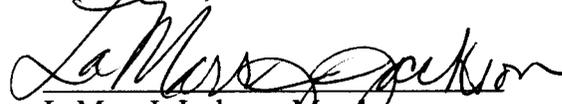
The above proceeding be, and the same hereby is, discontinued in accordance with the Board's Rules.

  
Anne P. Stevason, Chairman

  
J. Christopher Meagher, Member

  
Mark G. Pearce, Member

  
Jean Grunet, Member

  
LaMarr J. Jackson, Member

Dated and signed in the Office  
of the Industrial Board of Appeals  
at New York, New York, on  
March 24, 2010.