

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

----- X	
In the Matter of the Petition of:	:
	:
JOHN RIGOS AND WRQSR ONEIDA LLC	:
(T/A SUBWAY),	:
	:
Petitioners,	:
	:
To Review Under Section 101 of the Labor Law:	:
An Order to Comply with Article 6 of the Labor	:
Law, dated May 26, 2009,	:
	:
- against -	:
	:
THE COMMISSIONER OF LABOR,	:
	:
Respondent.	:
----- X	

DOCKET NO. PR 09-146

RESOLUTION OF DECISION

APPEARANCES

John Rigos, *pro se* 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 June 15, 2009, Petitioners commenced the above proceeding by filing a petition for review of an Order that Respondent Commissioner of Labor (Commissioner) issued on May 26, 2009 against Petitioners; and
2. The Commissioner answered the petition on July 31, 2009; and
3. The parties participated in a pre-hearing telephone conference held on behalf of the Board; and
4. On August 27, 2009 the parties filed a fully executed Stipulation of Settlement; and

5. The parties' Settlement provides, in part, that the Petitioners withdraw 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 Petitioners' 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.



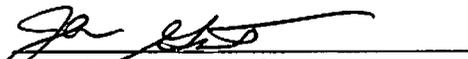
Anne P. Stevenson, Chairman



J. Christopher Meagher, Member



Mark G. Pearce, Member



Jean Grumet, Member

ABSENT

LaMarr J. Jackson, Member

Dated and signed in the Office
of the Industrial Board of Appeals
at New York, New York, on
October 21, 2009.