

STATE OF NEW YORK  
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of:	:
	:
JOSEPH SCHELLEL AND BOLUS FREIGHT SYSTEMS, INC.,	:
	:
Petitioners,	:
	:
To Review Under Section 101 of the Labor Law: An Order to Comply under Article 6 and an Order under Article 19 the Labor Law, both dated September 22, 2008,	:
	:
- against -	:
	:
THE COMMISSIONER OF LABOR,	:
	:
Respondent.	:
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DOCKET NO. PR 08-168

RESOLUTION OF DECISION

APPEARANCES

Hiscock & Barclay, Henry J. Nahal of Counsel, for 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, on November 21, 2008, the Petitioners commenced the above proceeding by filing a petition for review of the Orders that the Respondent issued September 22, 2008 against the Petitioners; and
2. Respondent Commissioner of Labor filed an answer to the petition on December 30, 2008; and
3. The parties participated in a pre-hearing telephone conference held on behalf of the Board; and

4. On January 14, 2009 the parties filed a fully executed Stipulation of Settlement (Settlement); and
5. The parties' Settlement provides, in part, that the Petitioners withdraw the petition; and
6. 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
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. Stevason, Chairman

  
J. Christopher Meagher, Member

  
Mark G. Pearce, Member

  
Jean Gruet, Member

  
LaMarr J. Jackson, Member

Dated and signed in the Office  
of the Industrial Board of Appeals  
at New York, New York, on  
January 27, 2010.