STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of:

KYA JACOBS,

Petitioner,

To Review Under Section 101 of the Labor Law:
Order to Comply # 16-00165,

- against -

THE COMMISSIONER OF LABOR,

Respondent.

DOCKET NO. PR 16-072

RESOLUTION OF DECISION

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APPEARANCES

Kya Jacobs, petitioner pro se.

WHEREAS:

1. The above proceeding was commenced by the filing of a petition for review pursuant to Labor Law § 101 and Part 66 of the Industrial Board of Appeals Rules of Procedure and Practice (12 NYCRR Part 66) on June 13, 2016, seeking to appeal an order to comply # 16-00165 issued by the respondent Commissioner of Labor; and

2. The petition is deficient because the order or orders to be reviewed are not attached as required by Board Rule 66.3 (d); and

3. By letter dated June 14, 2016 the Board notified petitioner that an amended petition that conforms with Board Rule 66.3 must be filed by July 14, 2016, or the petition may be dismissed without further notice; and

4. Pursuant to Board Rule 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

5. Petitioner has not filed an amended petition as directed by the Board; and

6. The petition, therefore, must be dismissed for failure to comply with Board Rule 66.3 (d).
NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

The petition for review is dismissed in accordance with the Board’s Rules.

Vilda Vera Mayuga, Chairperson

J. Christopher Meagher, Member

Michael A. Arcuri, Member

Molly Doherty, Member

Gloribelle J. Perez, Member

Dated and signed by the Members of the Industrial Board of Appeals in New York, New York on September 14, 2016.
NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

The petition for review is dismissed in accordance with the Board’s Rules.

Vilda Vera Mayuga, Chairperson

J. Christopher Meagher, Member

Michael A. Arcuri, Member

Molly Doherty, Member

Gloribelle J. Perez, Member

Dated and signed by a Member of the Industrial Board of Appeals in Syracuse, New York on September 14, 2016.