

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

-----X	
In the Matter of the Petition of:	:
	:
JAIME E. BERTOGLIO AND BERTOGLIO	:
CONTRACTOR CORP.,	:
	:
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 May 2,	:
2008,	:
	:
- against -	:
	:
THE COMMISSIONER OF LABOR,	:
	:
Respondent.	:
-----X	

DOCKET NO. PR 08-095

RESOLUTION OF DECISION

APPEARANCES

Charles R. Pierce, attorney for Petitioner.

Maria L. Colavito, Counsel, NYS Department of Labor, Benjamin T. Garry of Counsel, for Respondent.

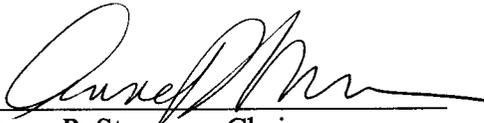
WHEREAS:

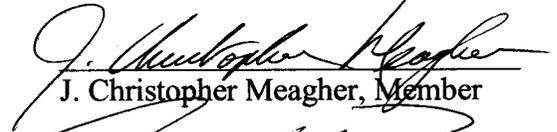
1. Pursuant to Labor Law Section 101 and Part 66 of the Board's Rules of Procedure and Practice, on June 27, 2008, Petitioner commenced the above proceeding by filing a petition for review of two Orders that Respondent issued on May 2, 2008 against Petitioner; and
2. Respondent Commissioner of Labor filed an answer to the petition on August 18, 2008; and
3. The parties participated in a pre-hearing telephone conference held on behalf of the Board; and
4. Upon notice to the parties, a hearing was held on May 27, 2009 in Garden City, New York; and

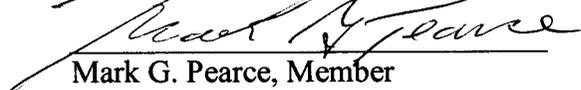
5. At the hearing, the parties entered into a Stipulation of Settlement (Settlement) on the record; and
6. The parties' Settlement provides, in part, that the Petitioner withdraws the petition; and
7. The Board's Rules of Procedure and Practice (Rules) 65.15 provide the "[a]t any stage of a proceeding, a party may withdraw his petition . . . subject to the approval of the Board; and
8. 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:

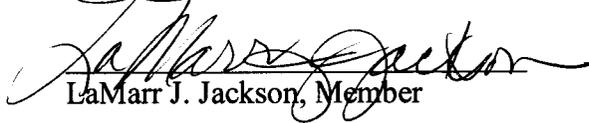
The above proceeding be, and the same hereby is, discontinued in accordance with the Board's Rules.


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.