

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of:	:
	:
YET JI FONG and NEW PABELLON DE ORO	:
RESTAURANT, INC.,	:
	:
Petitioners,	:
	:
To Review Under Section 101 of the Labor Law:	:
An Order to Comply with Article 19 and an Order to	:
Comply under Article 19 of the Labor Law, dated May	:
28, 2008,	:
	:
- against -	:
	:
THE COMMISSIONER OF LABOR,	:
	:
Respondent.	:
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DOCKET NO. PR 08-104
RESOLUTION OF DECISION

APPEARANCES

Wai Keung Mock, *pro se*, for Petitioners.

Maria L. Colavito, Counsel to the New York State 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 July 1, 2008, Petitioners commenced the above proceeding by filing a petition for review of two Orders to Comply (Orders) that Respondent Commissioner of Labor (Commissioner) issued on May 28, 2008 against Petitioners; and
2. The Commissioner answered the petition on September 26, 2008; and
3. The parties participated in a pre-hearing telephone conference held on behalf of the Board; and
4. On June 18, 2009 the parties filed a fully executed Stipulation of Settlement (Settlement); and

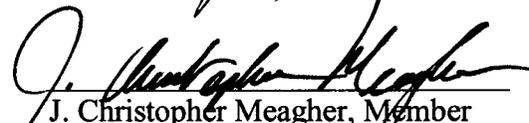
5. The parties' Settlement provides, in part, that the Petitioners withdraw the petition; and
6. Rule 65.15 provides that "[a]t any stage of a proceeding, a party may withdraw his petition . . . subject to the approval of the Board"; and
7. The Board approves the Petitioners' withdrawal of the petition, 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. Steyason, Chairman



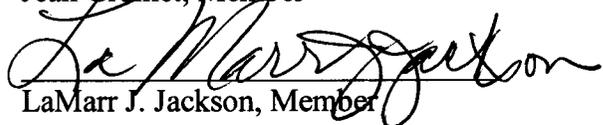
J. Christopher Meagher, Member

Absent

Mark G. Pearce, Member

Absent

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
July 22, 2009.