

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of:	:	
	:	
MAGIC TRANSPORTATION INC.,	:	
	:	
Petitioner,	:	
	:	DOCKET NO. PR 08-178
To Review Under Section 101 of the Labor Law:	:	
An Order to Comply with Article 6 and an Order	:	<u>RESOLUTION OF DECISION</u>
under Article 19 of the Labor Law, both dated October	:	
17, 2008,	:	
	:	
- against -	:	
	:	
THE COMMISSIONER OF LABOR,	:	
	:	
Respondent.	:	

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APPEARANCES

Law Office of Bernard J. Zimnoch for Petitioner.

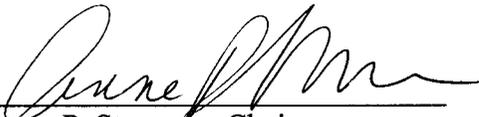
Maria L. Colavito, Counsel, NYS Department of Labor, Benjamin A. Shaw of Counsel, for Respondent.

WHEREAS:

1. Pursuant to Labor Law Section 101 and Part 66 of the Board’s Rules of Procedure and Practice (Rules), on December 15, 2008, Petitioner commenced the above proceeding by filing a petition for review of two Orders that Respondent Commissioner of Labor issued against Petitioner on October 17, 2008; and
2. On November 17, 2009, the parties filed a fully executed Stipulation of Settlement (Settlement); and
3. The parties’ Settlement provides, in part, that the Petitioner withdraws the petition; and
4. 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
5. 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:

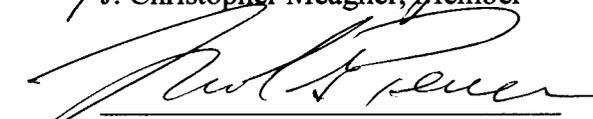
The above proceeding be, and the same hereby is, discontinued in accordance with the Board's Rules.



Anne P. Stevason, Chairman



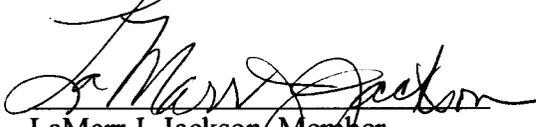
J. Christopher Meagher, Member



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.