

STATE OF NEW YORK  
INDUSTRIAL BOARD OF APPEALS

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 In the Matter of the Petition of: :  
 :  
 D & J CONTRACTING OF W. N. Y. INC. :  
 (T/A REGIONAL CONCRETE), :  
 :  
 Petitioner, :  
 :  
 To Review Under Section 101 of the Labor Law: :  
 An Order to Comply with Article 6 of the Labor Law, :  
 dated November 2, 2007, :  
 :  
 - against - :  
 :  
 THE COMMISSIONER OF LABOR, :  
 :  
 Respondent. :  
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DOCKET NO. PR 07-079  
RESOLUTION OF DECISION

APPEARANCES

Judith A. Monin, *pro se* Petitioner.

Maria L. Colavito, Counsel to the Department of Labor, Benjamin A. Shaw of Counsel, for Respondent, Commissioner of Labor.

WHEREAS:

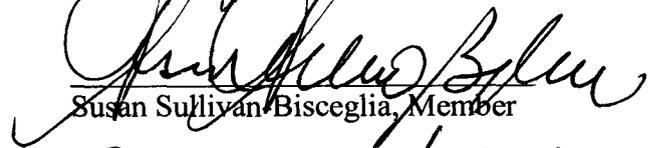
1. Pursuant to Labor Law Section 101 and Part 66 of the Board's Rules of Procedure and Practice, on November 26, 2007, Petitioner commenced the above proceeding by filing a petition for review of an Order to Comply (Order) that Respondent issued on November 2, 2007 against Petitioner; and
2. Respondent 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 by the Board to the parties, a hearing was held on March 6, 2009 in Buffalo, New York; and

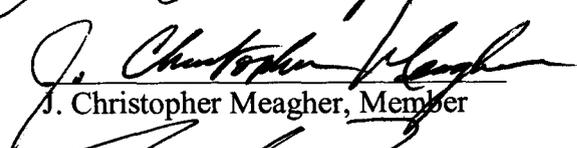
5. At the hearing, the parties entered a Stipulation of Settlement (Settlement) on the record; and
6. The parties' Settlement provides, in part, that the Petitioner withdraws the petition; and
7. The Board's Rules of Procedure and Practice (Rules) 65.15 provide the "[a]t any stage of a proceeding, a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

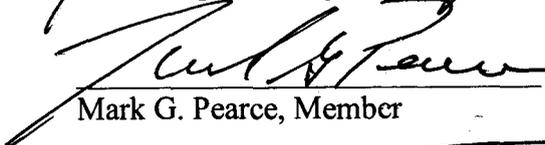
NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

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

  
Anne P. Stevason, Chairman

  
Susan Sullivan Bisceglia, Member

  
J. Christopher Meagher, Member

  
Mark G. Pearce, Member

  
Jean Grumet, Member

Dated and signed in the Office  
of the Industrial Board of Appeals  
at New York, New York, on  
March 25, 2009.