

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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 In the Matter of the Petition of: :
 :
 NICHOLAS SIVIGLIA AND FRANK SIVIGLIA & :
 CO., INC., :
 :
 Petitioners, :
 :
 To Review Under Section 101 of the Labor Law: :
 Orders to Comply under Article 6 and 19 of the Labor :
 Law, dated March 6, 2009, :
 :
 - against - :
 :
 THE COMMISSIONER OF LABOR, :
 :
 Respondent. :
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DOCKET NO. PR 09-051

RESOLUTION OF DECISION

APPEARANCES

Nicholas Siviglia, Jr., *pro se*, for Petitioners.

Maria L. Colavito, Counsel, NYS Department of Labor, Larissa C. Wasyl 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 March 16, 2009, the Petitioners commenced the above proceeding by filing a petition for review of the Orders that the Respondent issued March 6, 2009 against the Petitioners; and
2. Respondent Commissioner of Labor filed an answer to the petition on June 3, 2009; and
3. The parties participated in a pre-hearing telephone conference held on behalf of the Board; and

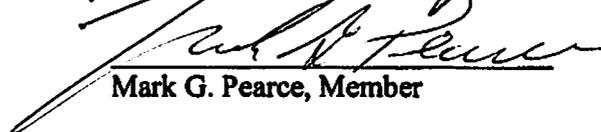
4. On January 14, 2009 the parties filed a fully executed Stipulation of Settlement (Settlement); and
5. The parties' Settlement provides, in part, that the Petitioners withdraw the petition; and
6. The Board's Rules of Procedure and Practice (Rules) 65.15 provide the "[a]t any stage of a proceeding, a party may withdraw his petition . . . subject to the approval of the Board; and
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.

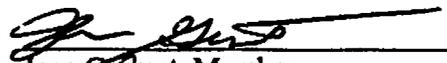
NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

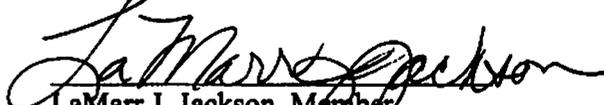
The above proceeding be, and the same hereby is, discontinued in accordance with the Board's Rules.


Anne P. Stevason, Chairman


J. Christopher Meagher, Member


Mark G. Pearce, Member


Jean Grunet, Member


LaMarr J. Jackson, Member

Dated and signed in the Office
of the Industrial Board of Appeals
at New York, New York, on
January 27, 2010.