

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of:	:
	:
DONALD MCLAUGHLIN AND DM OIL CORP. (T/A SUNOCO),	:
	:
Petitioners,	:
	:
To Review Under Section 101 of the Labor Law: An Order to Comply with Article 19 and an Order under Article 19 of the Labor Law, both dated May 6, 2008,	:
	:
- against -	:
	:
THE COMMISSIONER OF LABOR,	:
	:
Respondent.	:
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DOCKET NO. PR 08-102

RESOLUTION OF DECISION

APPEARANCES

Rothbard & Sinchuk, LLP, Adam Dulberg, for the 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 July 3, 2008, Petitioners commenced the above proceeding by filing a petition for review of two Orders that Respondent Commissioner of Labor (Commissioner) issued on May 6, 2008 against Petitioner; and
2. The Commissioner answered the petition on August 15, 2008; and
3. The parties participated in a pre-hearing telephone conference held on behalf of the Board; and
4. On September 29, 2009, the parties filed a fully executed Stipulation of Settlement with the Board; 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 Petitioner's withdrawal of the petition, finds that further review of the Orders 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

ABSENT

LaMarr J. Jackson, Member

Dated and signed in the Office
of the Industrial Board of Appeals
at New York, New York, on
October 21, 2009.