

STATE OF NEW YORK  
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of:	:	
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MANUEL DIAZ, JOSE DIAZ, QUEENS CIRCUIT MANAGEMENT CORP., ZAID THEATRE CORP., RIDGEWOOD THEATRE INC., AND JACKSON THEATRE CORP.,	:	
	:	
Petitioners,	:	DOCKET NO. PR 08-164
	:	<u>RESOLUTION OF DECISION</u>
To Review Under Section 101 of the Labor Law: An Order to Comply with Article 6 and an Order to Comply under Article 19 of the Labor Law, both dated September 11, 2008,	:	
	:	
- against -	:	
	:	
THE COMMISSIONER OF LABOR,	:	
	:	
Respondent.	:	

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APPEARANCES

Weisberg & Weisberg, Sidney A. Weisberg of Counsel, for Petitioners.

Maria L. Colavito, Counsel to the New York State Department of Labor, Benjamin T. Garry of Counsel, for Respondent Commissioner of Labor.

WHEREAS:

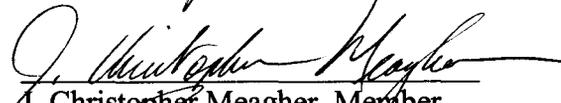
1. Pursuant to Labor Law Section 101 and Part 66 of the Board's Rules of Procedure and Practice, on November 10, 2008, Petitioner commenced the above proceeding by filing a petition for review of two Orders that Respondent issued on September 11, 2008 against Petitioner; and
2. Respondent Commissioner of Labor filed an answer to the petition on December 22, 2008; and
3. The parties participated in a pre-hearing telephone conference held on behalf of the Board; and

4. Upon notice to the parties, a hearing was held on July 29, 2009 in Buffalo, New York; and
5. At the hearing, the parties entered into 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:

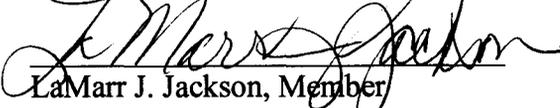
The above proceeding be, and the same hereby is, discontinued in accordance with the Board's Rules.

  
Anne P. Stevason, Chairman

  
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  
August 27, 2009.