

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of: :

SAMMY ELJAMAL AND MUSA ELJAMAL AND :
COURTESY MOBIL 9A ELMSFORD, INC. A/K/A :
ELMSFORD SNACK MART INC. AND :
FRIENDLY SERVICE LAGRANGE, INC. AND :
FRIENDLY SERVICE MOHEGAN LAKE, INC. :
A/K/A MOHEGAN LAKE GAS MART, INC., AND :
COURTESY MOBIL, INC. A/K/A CORTLANDT :
MANOR GAS MART, INC., FOOD & GAS OF :
YORKTOWN 202, INC., COURTESY MOBIL :
NEW ROCHELLE, INC. A/K/A NEW ROCHELLE :
SNACK MART, INC., COURTESY MOBIL CAR :
CARE CENTER, INC. A/K/A THORNWOOD :
SNACK MART, INC., COURTESY MOBIL :
NEWBURGH, INC., COURTESY MOBIL :
BREWSTER, INC., FRIENDLY SERVICE :
POUGHKEEPSIE, INC., FRIENDLY MOBIL :
HOPEWELL JCT., INC., FRIENDLY SERVICE :
NEW PALTZ, INC. A/K/A NEW PALTZ GAS :
MART, INC., :

DOCKET NO. PR 09-055

RESOLUTION OF DECISION

Petitioners, :

To Review Under Section 101 of the Labor Law: :
Amended and Reissued Order to Comply 09-00073, :
dated October 15, 2009, :

- against - :

THE COMMISSIONER OF LABOR, :

Respondent. :

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APPEARANCES

Seham, Seham, Meltz & Petersen, LLP, James M. McGuire, Esq., of Counsel for Petitioner.

Maria L. Colavito, Counsel, NYS Department of Labor, Jeffrey G. Shapiro 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 23, 2009, the Petitioners commenced the above proceeding by filing a petition for review of the Orders that the Respondent originally issued January 29, 2009 against the Petitioners; and
2. Pursuant to a request by the Board, Petitioners filed an Amended Petition on April 13, 2009; and
3. Respondent Commissioner of Labor filed an answer to the petition on May 27, 2009; and
4. The parties participated in a pre-hearing telephone conference held on behalf of the Board; and
5. On October 15, 2009, Respondent amended and reissued Order to Comply No. 09-00073; and
6. On October 29, 2009, Petitioners filed a Second Amended Petition; and
7. On November 16, 2009, Respondent filed an Amended Answer; and
8. On January 27, 2010, the parties filed a fully executed Stipulation of Settlement (Settlement); and
9. The parties' Settlement provides, in part, that the Petitioners withdraw the petition; and
10. 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
11. 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:

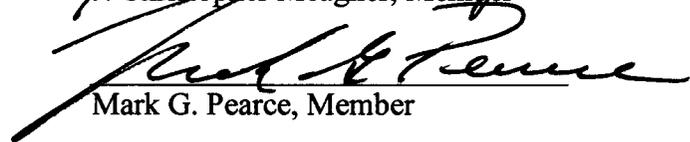
The above proceeding be, and the same hereby is, discontinued in accordance with the Board's Rules.



Anne P. Stevason, Chairman



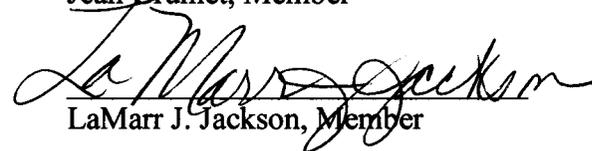
J. Christopher Meagher, Member



Mark G. Pearce, Member



Jean Grumet, Member



LaMarr J. Jackson, Member

Dated and signed in the Office
of the Industrial Board of Appeals
at New York, New York, on
March 24, 2010.