New York State
Industrial Board of Appeals

Anne P. Stevason
Chairman

Susan Sullivan-Bisceglia
J. Christopher Meagher
Mark G. Pearce
Jean Grumet
Members

Sandra M. Nahan
Deputy Counsel

Devin A. Rice
Associate Counsel

Empire State Plaza
Agency Building 2, 20th floor
Albany, New York 12223
Phone: (518) 474-4785 Fax: (518) 473-7533

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

In the Matter of the Petition of: CLOVE EXCAVATORS INC., Petitioner, To Review Under Section 101 of the Labor Law: An Order to Comply under Article 19 of the Labor Law, dated August 10, 2007, - against - THE COMMISSIONER OF LABOR, Respondent.	DOCKET NO. PR 07-053 RESOLUTION OF DECISION

WHEREAS:

1. Pursuant to Labor Law § 101 and Part 66 of the Industrial Board of Appeals' Rules of Procedure and Practice (Rules) (12 NYCRR Part 66), the above proceeding was commenced on September 19, 2007 by the filing of a petition to review an order that the Commissioner of Labor (Commissioner) issued against the Petitioner on August 10, 2007; and

2. The Commissioner filed an answer to the petition on January 3, 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 scheduled and held on May 19, 2008 in Poughkeepsie, NY; and

5. At the hearing, the parties entered a Stipulation of Settlement (Settlement) on the record; and

6. Rule 65.15 provides that at any stage of a proceeding, a party may withdraw the petition with the Board's approval; and

7. The Board approves petitioner's withdrawal of the petition.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

This 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 September 24, 2008.