STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

In the Matter of the Petition of:

MOSHE ZUPNICK.

Petitioner,

DOCKET NO. PR 14-319

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:
October 30, 2014,

- against -

THE COMMISSIONER OF LABOR,

Respondent.

APPEARANCES

Kaufman Dolowich & Voluck, LLP (Jeffrey A. Meyer of counsel), for petitioner.

Pico Ben-Amotz, General Counsel, NYS Department of Labor (Benjamin T. Garry of counsel), for respondent.

WHEREAS:

The petition in this matter was filed with the Industrial Board of Appeals (Board) on December 8, 2014, appealing two orders issued by the respondent Commissioner of Labor on October 30, 2014. The respondent filed an answer on March 6, 2015. A hearing was held on June 16, 2015 in Hicksville, New York before Administrative Law Judge Jean Grumet, the designated hearing officer in this matter. After petitioner's testimony and presentation of evidence that he was not the owner of the business and did not employ the claimants during the relevant period, the respondent requested permission to withdraw the orders. The Board approves the withdrawal of the orders against the petitioner, and having no order to review, the proceeding is dismissed.
NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

1. The orders issued by respondent on October 30, 2014 against petitioner Moshe Zupnick are withdrawn; and

2. The proceeding is hereby dismissed in accordance with the Board’s rules.

Vilda Vera Mayuga, Chairperson
At Albany, New York

J. Christopher Meagher, Member
At Albany, New York

LaMarr J. Jackson, Member
At Rochester, New York

Michael A. Arcuri, Member
At Syracuse, New York

Dated and signed by the Members of the Industrial Board of Appeals on July 22, 2015.
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