

MI JONG LI AND EMMELLE DESIGN INC.

Docket No. PR 09-036

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of:

MI JONG LI AND EMMELLE DESIGN INC.,

Petitioners,

To Review Under Section 101 of the Labor Law:
An Order under Article 12-A of the Labor Law, dated
February 11, 2009,

- against -

THE COMMISSIONER OF LABOR,

Respondent.
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DOCKET NO. PR 09-036

RESOLUTION OF DECISION

APPEARANCES

Mi Jong Lee, *pro se* for Petitioners.

Maria L. Colavito, Counsel, NYS Department of Labor, Benjamin T. Garry 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 February 16, 2009, the Petitioners commenced the above proceeding by filing a petition for review of an Order under Labor Law Article 12-A dated February 11, 2009, that the Respondent Commissioner of Labor (Commissioner) issued against the Petitioners; and
2. The Commissioner filed an answer to the petition on April 10, 2009; and
3. By letter dated October 30, 2009, counsel for the Commissioner advised the Board that the Petitioners had paid all outstanding penalties and that the Commissioner considered the case closed; and

4. By letter dated and sent via facsimile on October 30, 2009, the Board requested that the Petitioners withdraw their petition by November 20, 2009, and advised that if Petitioners failed to respond to the Board's request, the Board would issue a decision dismissing their petition; and
5. To date, the Board has not received any response to its October 30, 2009 letter from the Petitioners; and
6. The Board 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.



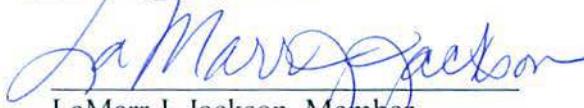
Anne P. Stevason, Chairman



J. Christopher Meagher, Member



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
April 21, 2010.