

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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 In the Matter of the Petition of: :
 :
 CHRISTOPHER MURPHY, :
 :
 Petitioner, :
 :
 To Review Under Section 101 of the Labor Law: :
 A determination of the Commissioner of Labor :
 dated August 9, 2013, :
 :
 - against - :
 :
 THE COMMISSIONER OF LABOR, :
 :
 Respondent. :
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DOCKET NO. PR 13-158

RESOLUTION OF DECISION

APPEARANCES

Christopher Murphy, petitioner *pro se*.

Pico Ben-Amotz, General Counsel, NYS Department of Labor (Matthew Robinson-Loffler, of counsel), for respondent.

WHEREAS:

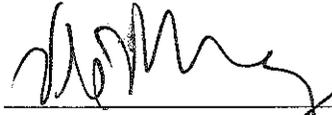
On October 8, 2013, the petitioner filed a petition to review the respondent's decision of August 9, 2013, to not pursue a wage claim filed by the petitioner. The respondent moved on November 27, 2013, to dismiss because the Board does not have jurisdiction to review a decision by the Commissioner of Labor (Commissioner) to not pursue a claim. In *Matter of John Ode*, PR 10-191 (April 27, 2011) citing *Matter of Toohey* PR 09-223 (January 27, 2010), we held that under Labor Law § 101, the Board only has jurisdiction to review rules, regulations or orders made by the Commissioner, and found that we did not have authority to review a decision by the Commissioner to not pursue the petitioner's claim. We find that here, as in *Ode*, the Commissioner's decision to not pursue the petitioner's claim is not a rule, regulation or order, and therefore cannot be reviewed by the Board under Labor Law § 101. Since we have no jurisdiction in this matter, the petition must be dismissed.

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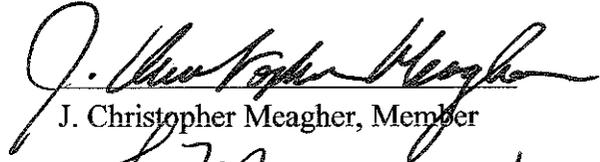
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NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

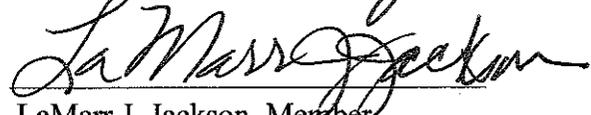
1. The Petition for Review be, and the same hereby is, denied.



Vilda Vera Mayuga, Chairperson



J. Christopher Meagher, Member



LaMarr J. Jackson, Member

Absent

Michael A. Arcuri, Member

Frances P. Abriola, Member

Dated and signed in the Office of
the Industrial Board of Appeals,
at New York, New York, on
March 11, 2015.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

1. The Petition for Review be, and the same hereby is, denied.

Vilda Vera Mayuga, Chairperson

J. Christopher Meagher, Member

LaMarr J. Jackson, Member

Michael A. Arcuri, Member



Frances P. Abriola, Member

Dated and signed in the Office
of the Industrial Board of Appeals
at New York, New York, on
March 11, 2015.