

STATE OF NEW YORK  
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of: :  
 :  
HECTOR ROJAS, :  
 :  
 : Petitioner, :  
 : DOCKET NO. PR 15-361  
 :  
To Review Under Section 101 of the Labor Law: :  
Order to Comply # 09-01006 issued September 21, : RESOLUTION OF DECISION  
2009, :  
 :  
 : - against - :  
 :  
THE COMMISSIONER OF LABOR, :  
 :  
 : Respondent. :  
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**APPEARANCES**

Hector Rojas, petitioner pro se.

**WHEREAS:**

1. The above proceeding was commenced by the filing of a petition for review pursuant to Labor Law § 101 and Part 66 of the Industrial Board of Appeals Rules of Procedure and Practice (12 NYCRR Part 66) on November 5, 2015, seeking to appeal order to comply # 09-01006 issued by the respondent Commissioner of Labor on September 21, 2009; and
2. Attached to the petition is a letter from respondent dated October 26, 2015, advising petitioner of a judgment entered against him in favor of respondent on order to comply # 09-01006; and
3. The petition is deficient because the order or orders to be reviewed are not attached as required by Board Rule 66.3 (d); and
4. By letter dated November 23, 2015, the Board notified petitioner that he must file an amended petition that conforms with Board Rule 66.3 by December 23, 2015, or the petition may be dismissed without further notice; and
5. Pursuant to Board Rule 65.14, “the failure to file any pleading pursuant to these rules when due may . . . constitute a waiver of the right to further participation in the proceeding”; and
6. Petitioner has not filed an amended petition as directed by the Board; and

7. To the extent petitioner may be seeking relief of a judgment, we do not have jurisdiction over the judgment entered against petitioner in favor of respondent; and
8. The petition, therefore, must be dismissed for failure to comply with Board Rule 66.3 (d) and for want of jurisdiction.

**NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:**

The petition for review be, and the same hereby is, dismissed in accordance with the Board's Rules.



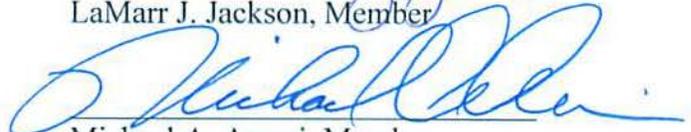
Vilda Vera Mayuga, Chairperson



J. Christopher Meagher, Member



LaMarr J. Jackson, Member



Michael A. Arcuri, Member

Dated and signed by the Members  
of the Industrial Board of Appeals  
at Albany, New York  
on January 20, 2016