STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

In the Matter of the Petition of:

SEE SUN WONG AND FATTY FISH
MANHATTAN, INC.,

Petitioners,

DOCKET NO. PR 19-126

RESOLUTION OF DECISION

To Review Under Section 101 of the Labor Law:

An Order to Comply with Articles 5, 6, and 19 of the Labor Law, dated July 5, 2019,

- against -

THE COMMISSIONER OF LABOR,

Respondent.

APPEARANCES

Huang, Chen & Wu, PLLC, Flushing (Robert Liu, Esq., of counsel), for petitioners.

Michael O. Paglialonga, Acting General Counsel, NYS Department of Labor, Albany (Kevin E. Jones, of counsel), for respondent.

WHEREAS:

The above proceeding was commenced on September 16, 2019, when petitioners See Sun Wong and Fatty Fish Manhattan, Inc. filed a petition for review pursuant to Labor Law § 101 and the Industrial Board of Appeals (hereinafter “Board”) Rules of Procedure and Practice (hereinafter “Board Rules”) (12 NYCRR) Part 66 challenging an order to comply with Articles 5, 6, and 19 of the Labor Law, (hereinafter “order”) issued against the petitioners by the respondent, Commissioner of Labor. The petition alleges that petitioner See Sun Wong had no relationship to the business that was the subject of the order. Respondent filed an answer to the petition on November 7, 2019.

On December 2, 2021, the Board received a letter from respondent with an “order withdrawing the [subject] Order to Comply,” which the Board deems to be a motion seeking leave to withdraw the order. Petitioners filed a response on December 10, 2021 stating that petitioners have no objection to the order to comply being withdrawn and stating that the petition would be withdrawn as moot.
After review of the petition and correspondence, and after full consideration of the Board Rules, the Board grants respondent’s letter motion requesting permission to withdraw the order to comply. The petition has been withdrawn.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

1. Effective as of the date of this Resolution of Decision, the Board grants respondent’s motion to withdraw the order to comply; and

2. The petition is withdrawn.

Dated and signed by the Members of the Industrial Board of Appeals on December 22, 2021.

Molly Doherty, Chairperson

Michael A. Arcuri, Member

Patricia Kakalec, Member

Najah Farley, Member

Sandra Abeles, Member