

STATE OF NEW YORK DEPARTMENT OF LABOR

IN THE MATTER OF

ROBERT FEARBY d/b/a D&B ROOFING

Respondent

A proceeding pursuant to NY Labor Law article 30 and/or
12 NYCRR 56.

**DEFAULT
DETERMINATION
&
ORDER**

Asbestos Case Nos.
AC-02-05-0007

WHEREAS a hearing was held in the above-captioned matter; and

WHEREAS the Hearing Officer submitted the annexed Report &
Recommendation dated August 21, 2009:

NOW, THEREFORE, upon review of the Hearing Officer's Report &
Recommendation; the Notice of Hearing and evidence submitted in support thereof, and
upon the Respondent's failure to appear to controvert any of the allegations set forth in
the Notice of Hearing or to tender any evidence contesting any of the foregoing, and upon
the entire record of this proceeding, it is

ORDERED that the Hearing Officer's Findings and Conclusions be, and hereby
are, adopted; and it is further

ORDERED that the Hearing Officer's recommended determinations and orders be, and hereby are, adopted, and they shall constitute the final **Determination & Order** of the Commissioner of Labor as if fully set forth herein.

Dated: September 1, 2009
Albany, New York

A handwritten signature in black ink that reads "M Patricia Smith". The signature is written in a cursive style with a large, stylized initial "M".

M. Patricia Smith
Commissioner of Labor
State of New York