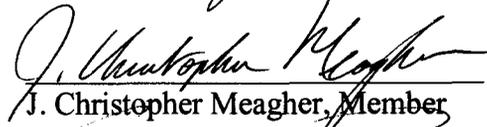


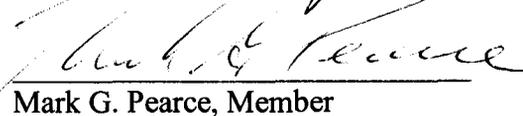
5. The Respondent Commissioner of Labor filed a motion to dismiss the Petition dated August 24, 2009 alleging that the Petition must be dismissed as untimely.
6. The Petitioner's response to the Respondent's motion did not articulate a reason for the late filing of the Petition, instead stating that the affidavits previously filed demonstrate that the claimants were paid. However, as the Petition was filed late, we do not review the merits of the Petitioner's allegations that the Orders are invalid or unreasonable.
7. Labor Law § 101 provides that a petition for review must be filed with the Board no later than sixty days after the issuance of the Order to be reviewed. The Orders to be reviewed were issued on September 2, 2008 and the Petition was not filed until January 27, 2009. Therefore, the Petition was untimely. No excuse was offered to justify such late filing. Accordingly, the Petition must be dismissed.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

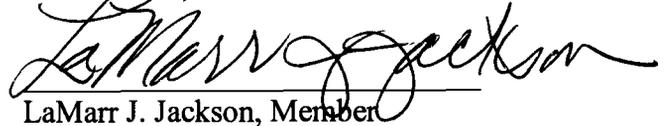
1. The Orders to Comply with Articles 6 and 19 of the Labor Law, and the Order under Article 19 of the Labor Law, all issued September 2, 2008, are hereby affirmed; and
2. The petition is hereby dismissed.


Anne P. Stevason, Chairman


J. Christopher Meagher, Member


Mark G. Pearce, 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
November 17, 2009.