

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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| In the Matter of the Petition of: | : |
| | : |
| DONNY GRABER and INTERNET TELEPHONE | : |
| PROVIDER, INC. (T/A ITP, INC.), | : |
| | : |
| Petitioners, | : |
| | : |
| To Review Under Section 101 of the Labor Law: | : |
| Two Orders to Comply with Article 6 of the Labor | : |
| Law and an Order under Article 19 of the Labor Law, | : |
| all issued December 19, 2008, | : |
| | : |
| - against - | : |
| | : |
| THE COMMISSIONER OF LABOR, | : |
| | : |
| Respondent. | : |
| -----X | |

DOCKET NO. PR 09-063
RESOLUTION OF DECISION

APPEARANCES

Donny Graber, *pro se* Petitioner.

WHEREAS:

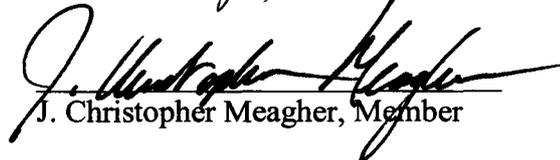
1. On May 4, 2009 the petitioners filed a petition in the above-referenced matter appealing three Orders issued by the Commissioner of Labor (Commissioner) on December 19, 2008.
2. Labor Law § 101 provides that a petition for review must be filed with the Board no later than sixty days after the issuance of the Order to be reviewed. The Orders to be reviewed were issued on December 19, 2008. Therefore, the petition was untimely.
3. By letter dated May 13, 2009, the Board requested a written explanation for the untimely petition. Such explanation was received by the Board on June 1, 2009. The petitioners' explanation that the petition was filed late because it was the petitioners' first experience appealing Orders issued by the Commissioner does not justify the petitioners' failure to meet the filing deadline imposed by Labor Law § 101.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

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



Anne P. Stevason, Chairman



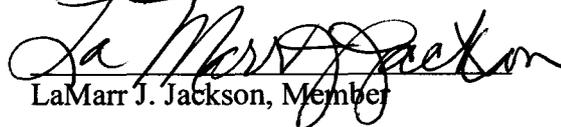
J. Christopher Meagher, Member

Absent

Mark G. Pearce, Member

Absent

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
July 22, 2009.