

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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Susan Sullivan-Bisceglia
J. Christopher Meagher
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STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of: :

SOKANA CORP. :
(T/A MANNY'S STEAKHOUSE & SEAFOOD), :
Petitioner, :

DOCKET NO. PR-07-099

To review under Section 101 of the Labor Law: An Order :
to Comply under Article 6 of the Labor Law, dated :
August 24, 2007 :

RESOLUTION OF DECISION

-against- :

THE COMMISSIONER OF LABOR, :
Respondent. :

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WHEREAS:

1. On December 20, 2007 the Board received a letter from the Petitioner dated December 18, 2007 along with a copy of an undated letter to the New York State Department of Labor; and
2. The undated letter to the New York State Department of Labor sought review of an Order issued by the Commissioner on August 24, 2007; and
3. The December 18, 2007 letter explained that the Petitioner inadvertently mailed its appeal to the Department of Labor; and
4. 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; and

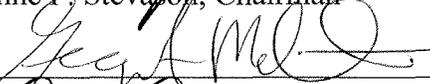
5. By letter dated January 28, 2008, the Board requested that the Petitioner submit proof that the undated letter sent to the Department of Labor was mailed within the sixty days of the issuance of the Order; and
6. On February 12, 2008 the Board received a letter from the Petitioner stating that no proof exists as to the date it mailed its original letter of appeal to the Department of Labor; and
7. The Petition in this matter is dismissed as untimely.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

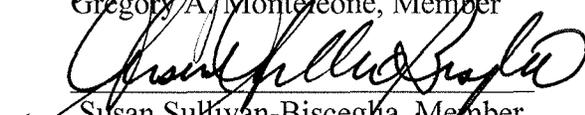
This proceeding be, and the same hereby is, dismissed in accordance with the Rules.



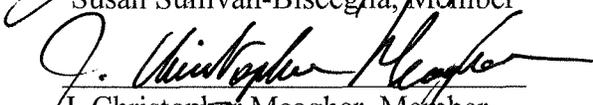
Anne P. Stevason, Chairman



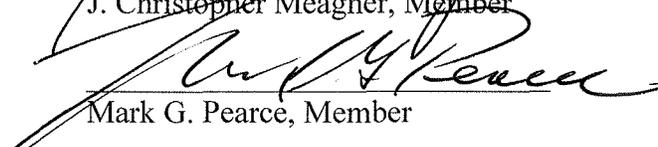
Gregory A. Monteleone, Member



Susan Sullivan-Biscegna, Member



J. Christopher Meagher, Member



Mark G. Pearce, Member

Dated and signed in the Office of the Industrial Board of Appeals, at New York, New York, on May 28, 2008.

Filed in the Office of the Industrial Board of Appeals, at Albany, New York, on May 30, 2008.

DAR