

**New York State
Industrial Board of Appeals**

Anne P. Stevason
Chairman

Susan Sullivan-Disceglia
J. Christopher Meagher
Mark G. Pearce
Jean Grumet
Members



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STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of:

SULAKHAN SINGH and EARTH DEVELOPMENT
& CONSTRUCTION GROUP INC.
(T/A EARTH DEVELOPMENT GROUPS),

Petitioners.

To Review Under Section 101 of the Labor Law:
An Order to Comply with Article 6 of the Labor Law,
dated May 29, 2008,

- against -

THE COMMISSIONER OF LABOR.

Respondent.
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DOCKET NO. PR 08-129

RESOLUTION OF DECISION

WHEREAS:

1. On August 11, 2008 the Board received a petition in the above-referenced matter that was enclosed in an envelope postmarked August 7, 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 Order to be reviewed was issued on May 29, 2008. Therefore, the petition was untimely.
3. By letter dated August 19, 2008, the Board requested a written explanation for the untimely petition. Such explanation was received by the Board on September 17, 2008.
4. The Petitioner's letter of September 17, 2008 offers no explanation for the late filing other than to imply that Earth Development and Construction Group, Inc. is no longer in business and that the company has lost all of its paperwork. The fact that a company may no longer

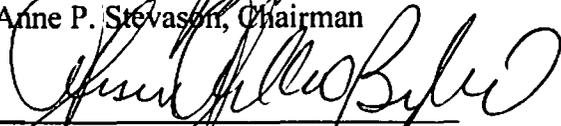
be in business or has lost all of its paperwork does not justify the Petitioners' failure to meet the filing deadline imposed by Labor Law § 101.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

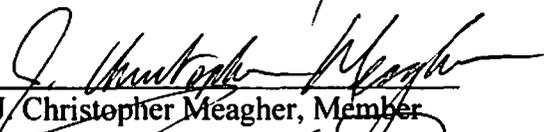
1. The Order to Comply with Article 6 of the Labor Law, dated May 28, 2009, is hereby affirmed; and
2. The petition is hereby dismissed.



Anne P. Stevason, Chairman



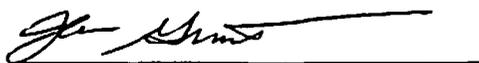
Susan Sullivan-Bisceglia, Member



J. Christopher Meagher, Member



Mark G. Pearce, Member



Jean Grumet, Member

Dated and signed in the Office
of the Industrial Board of Appeals
at New York, New York, on
November 19, 2008.