

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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 In the Matter of the Petition of: :
 :
 STERLING REX PETERS :
 (T/A REX PETERS ROOFING), :
 :
 Petitioners, :
 :
 To Review Under Section 101 of the Labor Law: An :
 Order to Comply with Article 6, and an Order under :
 Article 19 of the Labor Law, both dated March 23, :
 2009, :
 :
 - against - :
 :
 THE COMMISSIONER OF LABOR, :
 :
 Respondent. :
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DOCKET NO. PR 09-124

RESOLUTION OF DECISION

APPEARANCES

Sterling Rex Peters *pro se*, for Petitioner.


WHEREAS:

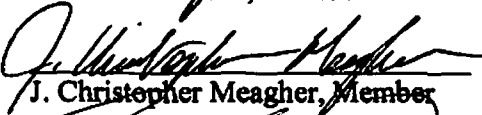
1. The above proceeding was commenced by the filing of a petition for review pursuant to Labor Law § 101 and Part 66 of the Industrial Board of Appeals’ Rules of Procedure and Practice (Rules) (12 NYCRR Part 66) on June 1, 2009; and
2. The petition sought review of the Order to Comply with article 6 and the Order under article 19 of the Labor Law that Respondent Commissioner of Labor issued against Petitioner on March 23, 2009; and
3. Labor Law § 101 (1) provides that a petition to review the orders of the Commissioner of Labor “shall be filed with the board no later than sixty days after the issuance of the...[the] orders”, and the petition in this matter was filed more than sixty days from the date the Orders were issued; and
4. By letter, dated January 26, 2009, enclosing a copy of the Rules, Petitioner was requested to file by February 24, 2009, a written explanation supported by proof why he contends that the petition is not untimely; and

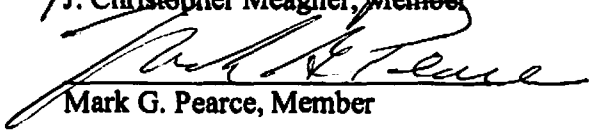
5. To date, Petitioner has failed to file such explanation; and
6. The Board finds that Petitioner has had ample opportunity to file a written explanation of why he contends that the petition is not untimely, and that the proceeding should be dismissed in accordance with the Rules.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

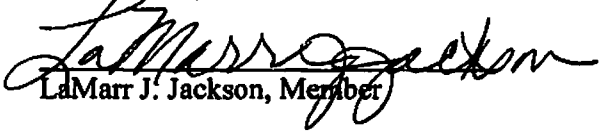
This proceeding be, and the same hereby is, dismissed in accordance with the Rules.


Anne P. Stevenson, Chairman


J. Christopher Meagher, Member


Mark G. Pearce, Member


Jean Grunet, Member


LaMarr J. Jackson, Member

Dated and signed in the Office
of the Industrial Board of Appeals
at New York, New York, on
January 27, 2010.