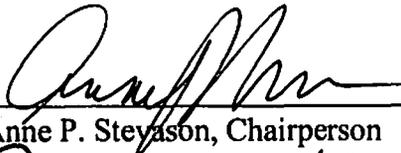


The orders sought to be reviewed were issued on August 23, 2011, and therefore, any petition for review filed with the Board after October 24, 2011 would be untimely (Board Rules of Procedure and Practice 66.3 [a], 65.5 and 65.3 [a]; [12 NYCRR 66.3 [a], 65.5 and 65.3 (a)]). As the petition in this proceeding was not received by the Board until December 21, 2011, in an envelope post-marked December 19, it was untimely.

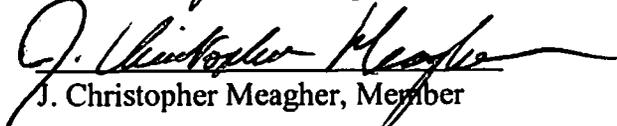
The petitioner's opposition to the motion provides no legally sufficient grounds for the Board to find that the petition was timely filed or to excuse the late filing.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

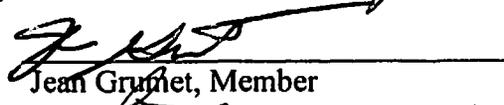
The Commissioner of Labor's motion to dismiss the petition for review is granted in its entirety, and the petition for review be, and the same hereby is, dismissed.



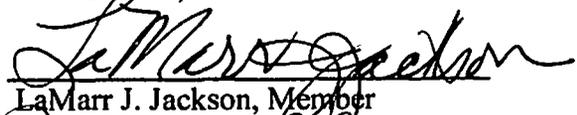
Anne P. Steyason, Chairperson



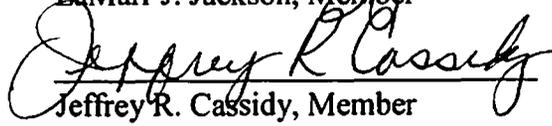
J. Christopher Meagher, Member



Jean Grunet, Member



LaMarr J. Jackson, Member



Jeffrey R. Cassidy, Member

Dated and signed in the Office
of the Industrial Board of Appeals
at New York, New York, on
July 16, 2012.