

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of:

RAVSHAN ISHNAZAROV (T/A LOGISTICS &
SERVICES LLC),

Petitioner,

To Review Under Section 101 of the Labor Law:
An Order to Comply With Article 6 of the Labor Law :
and an Order Under Article 19 of the Labor Law, :
each dated December 21, 2012, :

- against -

THE COMMISSIONER OF LABOR,

Respondent.
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DOCKET NO. PR 13-021

RESOLUTION OF DECISION

APPEARANCES

Ravshan Ishnazarov, petitioner *pro se*.

Pico Ben-Amotz, Acting Counsel, NYS Department of Labor (Benjamin T. Garry of
counsel), for the respondent.

WHEREAS:

This proceeding was commenced when the petitioner filed a petition with the
Industrial Board of Appeals (Board) on March 15, 2013. The petition was served on the
respondent Commissioner of Labor (Commissioner) on March 27, 2012. The Commissioner
moved on April 11, 2013 to dismiss the petition as untimely because it was filed more than
60 days after the order was issued.

Labor Law § 101 (1) states that:

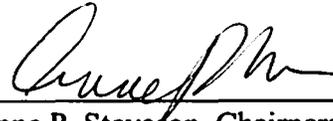
“Except where otherwise prescribed by law, any person in interest or
his duly authorized agent may petition the board for a review of the
validity or reasonableness of any . . . order made by the
commissioner. . . . Such petition shall be filed with the board no
later than sixty days after the issuance of such . . . order.”

The orders sought to be reviewed were issued on December 21, 2013, and therefore, any petition for review filed with the Board after February 19, 2013 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 March 15, 2013, in a Fed Ex wrapper shipped March 13, 2013, it was untimely.

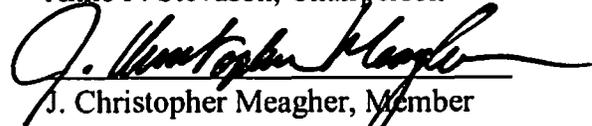
The petitioner did not file an opposition to the motion.

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. Stevason, Chairperson



J. Christopher Meagher, Member



Jean Grumet, 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
June 12, 2013.