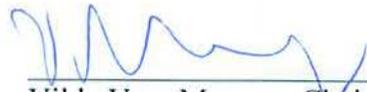


The orders sought to be reviewed were issued on July 15, 2015; therefore, any petition for review filed with the Board with a post-mark after September 14, 2015 is untimely (*id.*; Board Rule of Procedure and Practice 65.5 [d] [12 NYCRR 65.5 (d)] and 65.3 [a] [12 NYCRR 65.3 (a)] [if last day of the period falls on a legal holiday, Saturday, or Sunday the period runs until the end of the next day that is not a legal holiday, Saturday, or Sunday]) and must be dismissed.

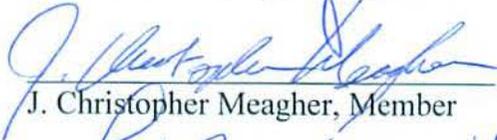
Petitioners do not dispute that the petition was filed after September 14, 2015. Rather, they argue the petition was “timely mailed under the circumstances” and suggest that the Board should grant an exception for the petition’s “untimeliness.” Petitioners assert that the petition was mailed on September 16, 2015 because counsel for petitioners had observed a religious holiday on the two days prior to mailing. Petitioners also argue that Section 25-a of the New York General Construction Law permits them a five-day extension for mailing. These arguments are unavailing. There was no legal holiday on September 14, 2015 or September 15, 2015 that would have extended petitioners’ time to serve the petition. Additionally, reliance on the General Construction Law is misplaced in this proceeding, which is governed, as set forth above, by the New York Labor Law and by the Board’s Rules of Procedure and Practice. By the admission of petitioners’ counsel, the petition was mailed after September 14, 2015; it was filed late and must be dismissed.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

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



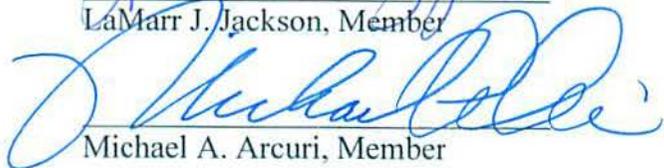
Vilda Vera Mayuga, Chairperson



J. Christopher Meagher, Member



LaMarr J. Jackson, Member



Michael A. Arcuri, Member

Dated and signed in the Office
of the Industrial Board of Appeals
at New York, New York
on January 20, 2016.