

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of: :
 :
EAST 222 AUTOMOTIVE REPAIRS INC., :
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Petitioner, :
 :
 :
To Review Under Section 101 of the Labor Law: : DOCKET NO. PR 17-123
An Order to Comply with Article 6 and an Order :
Under Article 19 of the Labor Law, both dated May : RESOLUTION OF DECISION
22, 2017, :
 :
 :
- against - :
 :
 :
THE COMMISSIONER OF LABOR, :
 :
 :
Respondent. :
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APPEARANCES

Kamal Karkat, Accountant, Bronx, for petitioner.

Pico Ben-Amotz, General Counsel, NYS Department of Labor, Albany (Taylor A. Waites of counsel), for respondent.

WHEREAS:

This proceeding was commenced when petitioner filed a petition with the Industrial Board of Appeals on August 8, 2017, in an envelope post-marked August 3, 2017. The Board served the petition on respondent Commissioner of Labor on September 6, 2017. Respondent moved on October 5, 2017, to dismiss the petition as untimely. Petitioner did not respond to the motion.

Labor Law § 101 (1) provides 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.”

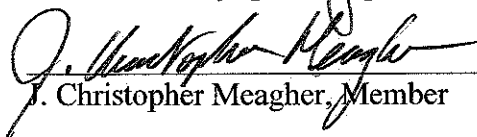
The orders sought to be reviewed were issued on May 22, 2017, and therefore, any petition for review filed with the Board with a post-mark after July 21, 2017, is untimely (*id.*; Board Rules of Procedure and Practice [12 NYCRR] § 65.5 [d]). As the petition in this proceeding was post-marked after July 21, 2017, the petition was untimely 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 is dismissed.

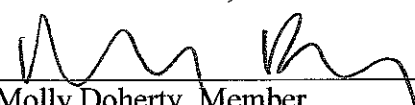


Vilda Vera Mayuga, Chairperson




J. Christopher Meagher, Member

Michael A. Arcuri, Member



Molly Doherty, Member



Gloribelle J. Perez, Member

Dated and signed by the Members
of the Industrial Board of Appeals
in New York, New York, on
December 13, 2017.

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 is dismissed.

Vilda Vera Mayuga, Chairperson

J. Christopher Meagher, Member



Michael A. Arcuri, Member

Molly Doherty, Member

Dated and signed by a Member
of the Industrial Board of Appeals
in Syracuse, New York, on
December 13, 2017.

Gloribelle J. Perez, Member