

STATE OF NEW YORK  
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of:	:
	:
EAST 222 AUTOMOTIVE REPAIRS INC.,	:
	:
Petitioner,	:
	:
To Review Under Section 101 of the Labor Law:	:
An Order to Comply with Article 6 and an Order :	DOCKET NO. PR 17-123
Under Article 19 of the Labor Law, both dated May :	<u>RESOLUTION OF DECISION</u>
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

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Michael A. Arcuri, Member

  
Molly Doherty, Member

  
Gloribelle J. Perez, Member

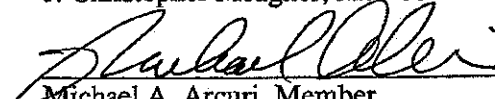
Dated and signed by the Members  
of the Industrial Board of Appeals  
in New York, New York, on  
December 13, 2017.

**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