STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

In the Matter of the Petition of:	
MAJED Y AL SALAJ AND COLUMBIA STREET LIMOUSINE SERVICE, INC.,	
Petitioners,	
To Review Under Section 101 of the Labor Law: An Order To Comply With Article 19 of the Labor Law, an Order To Comply With Article 6 of the Labor Law, and an Order Under Articles 5 and 19 of the Labor Law, each dated January 23, 2015,	DOCKET NO. PR 15-129 RESOLUTION OF DECISION
- against -	
THE COMMISSIONER OF LABOR,	
Respondent.	

APPEARANCES

Majed Al Salaj, petitioner pro se, and for Columbia Street Limousine Service, Inc.

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

WHEREAS:

This proceeding was commenced when petitioners filed a petition with the Industrial Board of Appeals (Board) on April 27, 2015 in an envelope post-marked April 24, 2015. The Board served the petition on respondent Commissioner of Labor on May 5, 2015. Respondent moved on July 17, 2015, to dismiss the petition as untimely because it was filed more than 60 days after the orders being appealed were issued. Petitioners did not reply 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 January 23, 2015, and therefore, any petition for review filed with the Board with a post-mark after March 24, 2015 is untimely (*id.*; Board Rules of Procedure and Practice 65.5 [d] [12 NYCRR 65.5 (d)]). As the petition in this proceeding was post-marked after March 24, 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 by the Members
of the Industrial Board of Appeals
at New York, New York
on December 9, 2015.