

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of:

RONNIE PAULINO,

Petitioner,

To Review Under Section 101 of the Labor Law:

An Order to Comply with Article 6 of the Labor Law,
dated November 27, 2015,

- against -

THE COMMISSIONER OF LABOR,

Respondent.
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DOCKET NO. PR 19-114

RESOLUTION OF DECISION

APPEARANCES

Ronnie Paulino, petitioner pro se.

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

WHEREAS:

This proceeding was commenced when petitioner filed a petition with the Industrial Board of Appeals (hereinafter "Board") on August 19, 2019. On August 27, 2019, the Board served the petition on respondent Commissioner of Labor. Respondent moved on September 25, 2019 to dismiss the petition because it was filed more than 60 days after the order being appealed was issued. 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."

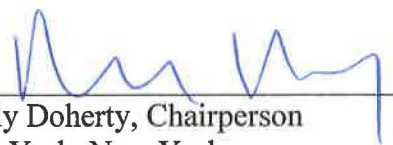
The order to be reviewed was issued on November 27, 2015, and therefore, any petition for review filed with the Board with a post-mark after January 26, 2016, is untimely (Labor Law § 101 (1); Board Rules of Procedure and Practice [12 NYCRR] §§ 65.3 [a] and 65.5 [d]). As the

petition in this proceeding was post-marked after January 26, 2016, and petitioner has offered no reason to excuse the late filing, 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 be, and the same hereby is, dismissed.

Dated and signed by the Members
of the Industrial Board of Appeals
on December 11, 2019.



Molly Doherty, Chairperson
New York, New York

Michael A. Arcuri, Member
Utica, New York

Gloribelle J. Perez, Member
New York, New York

Patricia Kakalec, Member
New York, New York

Najah Farley, Member
New York, New York

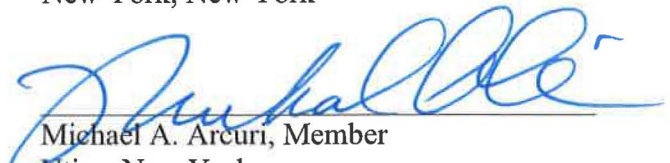
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