

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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 In the Matter of the Petition of: :
 :
 LOUIS CACACE AND SV VIDEO SERVICE, INC., :
 :
 Petitioners, :
 :
 To Review Under Section 101 of the Labor Law: :
 An Order to Comply with Article 6 of the Labor Law :
 dated August 7, 2008, :
 :
 - against - :
 :
 THE COMMISSIONER OF LABOR, :
 :
 Respondent. :
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DOCKET NO. PR 08-167

RESOLUTION OF DECISION

APPEARANCES

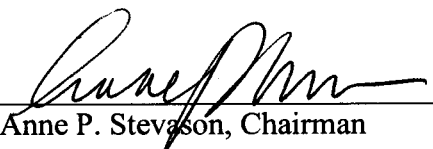
Louis Cacace, *pro se* Petitioner.

WHEREAS:

1. On November 7, 2008, the Board received a petition in the above-captioned matter enclosed in an envelope post-marked November 10, 2008. The Petition seeks review of an Order that the Commissioner of Labor (Commissioner) issued against the Petitioner on August 7, 2008; and
2. Labor Law § 101 provides that a petition for review must be filed with the Board no later than sixty days after the issuance of the order to be reviewed. The sixtieth day after the Orders here were issued was October 6, 2008. Therefore, the Petition, filed on November 10, 2008, was untimely; and
3. By letter dated December 1, 2008, the Board advised the Petitioner “despite the extenuating circumstances that you have explained in your letter, your petition is untimely and we are unable to accept it.”; and
4. The Petition in this matter is dismissed as untimely.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

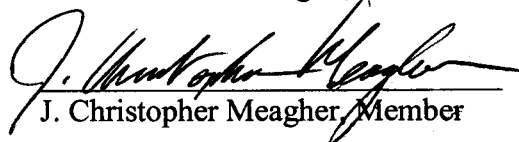
This proceeding be, and the same hereby is, dismissed in accordance with Labor Law § 101 and the Board's Rules of Procedure and Practice.



Anne P. Stevason, Chairman

Absent

Susan Sullivan-Biscaglia, Member



J. Christopher Meagher, Member

Absent

Mark G. Pearce, Member



-Jean Grumet, Member

Dated and signed in the Office
of the Industrial Board of Appeals
at New York, New York, on
May 20, 2009.