

STATE OF NEW YORK  
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of:

SHARON REED COLUCCIO AND SAVARIO S.  
COLUCCIO AND FLEET STREET  
INTERNATIONAL HAIRCUTTERS, INC.,

Petitioners,

DOCKET NO. PR 13-175

To Review Under Section 101 of the Labor Law:  
An Order to Comply With Article 6 of the Labor Law  
and an Order Under Article 19 of the Labor Law,  
both dated August 30, 2013,

RESOLUTION OF DECISION

- against -

THE COMMISSIONER OF LABOR,

Respondent.  
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**APPEARANCES**

Sharon Reed Coluccio, petitioner *pro se*, and for Savarios S. Coluccio and International Haircutters, Inc.

Pico Ben-Amotz, Acting Counsel, NYS Department of Labor (Matthew D. Robinson-Loffler of counsel), for the respondent.

**WHEREAS:**

This proceeding was commenced when the petitioner filed a petition with the Industrial Board of Appeals (Board) on November 1, 2013 which was mailed in an envelope post-marked October 30. The petition was served on the respondent Commissioner of Labor (Commissioner) on November 13, 2013. The Commissioner moved on December 17, 2013 to dismiss the petition as untimely because it was filed more than 60 days after the order was issued.

Labor Law § 101 (1) states 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.”

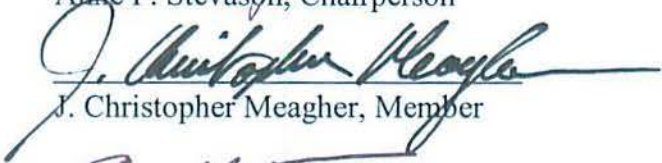
The orders sought to be reviewed were issued on August 30, 2013, and therefore, any petition for review filed with the Board after October 29, 2013 would be untimely (Board Rules of Procedure and Practice 65.3 [a] and 65.5 [c] and [d] [12 NYCRR 65.3 [a] and 65.5 [c] and [d]). As the petition in this proceeding was not received by the Board until November 1, 2013, in an envelope post-marked October 30, 2013, it was untimely.

The petitioner did not file any opposition to the motion.


**NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:**

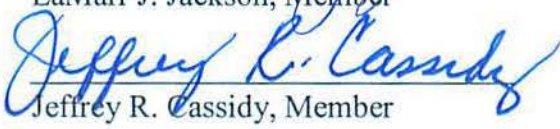
The Commissioner of Labor’s motion to dismiss the petition for review is granted in its entirety, and the petition for review be, and the same hereby is, dismissed.

  
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Anne P. Stevason, Chairperson

  
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J. Christopher Meagher, Member

  
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Jean Grumet, Member

  
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LaMarr J. Jackson, Member

  
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Jeffrey R. Cassidy, Member

Dated and signed in the Office  
of the Industrial Board of Appeals  
at New York, New York, on  
February 27, 2014.