

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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Susan Sullivan-Bisceglia
J. Christopher Meagher
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STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of: :
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DIHARAM SINGH AND :
EFFICIENT AUTO COLLISION & REPAIRS, INC., :
 :
Petitioner, : DOCKET NO. PR 08-023
 :
 :
To Review Under Section 101 of the Labor Law: : RESOLUTION OF DECISION
An Order to Comply with Article 19 of the Labor :
Law, issued November 23, 2007, :
 :
 :
- against - :
 :
 :
THE COMMISSIONER OF LABOR, :
 :
 :
Respondent. :
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WHEREAS:

1. On March 4, 2008 the Board received a single copy of a petition in the above-referenced matter that was enclosed in an envelope postmarked February 27, 2008 that did not include the Order to be reviewed.
2. By letter dated March 7, 2008, the Board requested that the Petitioner file an amended petition that included a copy of the Order to be reviewed.
3. The Petitioner filed an amended petition with the Order to be reviewed attached on March 4, 2008.
4. 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 Order to be reviewed was issued on November 23, 2007. Therefore, the petition was untimely.


5. By letter dated April 10, 2008, the Board requested a written explanation for the untimely petition. Such explanation was received by the Board on April 24, 2008, and the amended petition along with the Petitioner's explanation was served on the Respondent on April 24, 2008.
6. The Respondent filed a motion to dismiss dated May 27, 2008, alleging that the amended petition must be dismissed as untimely.
7. By letter dated June 6, 2008, the Board required the Petitioner's response to the Respondent's motion, if any, to be received by June 18, 2008. To date, the Petitioner has filed no response.
8. By letter dated June 27, 2008, the Board asked the Petitioner to provide more details of the circumstances surrounding its receipt of the Order by July 11, 2008.
9. On July 10, 2008, the Board received a letter from the Petitioner explaining that he did "not pay any attention to [his] life, mails or business for the period of approximately August 2007 to about February of 2008." Ignoring one's mail does not justify Petitioner's failure to meet the filing deadline imposed by Labor Law § 101.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:


1. The Order to Comply with Article 19 of the Labor Law, dated November 23, 2007, is hereby affirmed; and
2. The petition is hereby dismissed.




Anne P. Stevason, Chairman



Susan Sullivan-Bisceglia, Member



J. Christopher Meagher, Member



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
July 30, 2008.