

4. On September 25, 2008, the Board received via facsimile a response from Petitioner in a letter that was not sworn to; and
5. By letter dated October 6, 2009, the Board requested that the Petitioner file on or before October 27, 2008, an affidavit signed before a notary public, explaining why the petition should be considered timely; and
6. To date the Board has received no response to its letter of October 6, 2008; and
7. The Petition in this matter is dismissed as untimely.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

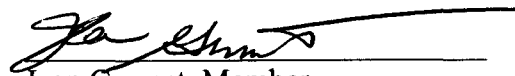
This proceeding be, and the same hereby is, dismissed in accordance with Labor Law § 101 and the Board's Rules of Procedure and Practice.


Anne P. Stevason, Chairman


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
March 25, 2009.