

New York State
Industrial Board of Appeals

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Chairman

Susan Sullivan-Bisceglia
J. Christopher Meagher
Mark G. Pearce
Jean Grumet
Members



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STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of: :

RAMJIT HEMRAJ AND ELITE ACCOUNTING :

SERVICES, INC., :

Petitioners, :

To Review Under Section 101 of the Labor Law: :

An Order to Comply with Article 6 of the Labor Law :

and an Order to Comply with Article 19 of the Labor :

Law, each dated August 8, 2008, :

- against - :

THE COMMISSIONER OF LABOR, :

Respondent. :

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DOCKET NO. PR 08-173

RESOLUTION OF DECISION

WHEREAS:

1. On December 3, 2008, the Board received copies of a Petition in the above-captioned matter enclosed in an envelope post-marked December 1, 2008, seeking review of two Orders issued by the Commissioner of Labor on August 8, 2008.
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. Therefore, the Petition in this matter was untimely.
3. By letter dated December 12, 2008, the Board requested that the Petitioners provide a written explanation by December 23, 2008 supported by proof as to why the Petitioners contend that the Petition in this matter is not untimely.

4. To date the Board has received no response to its letter of December 12, 2008.
5. 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 the Rules.




Anne P. Stevasop, Chairman

Absent

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
January 28, 2009.