

STATE OF NEW YORK  
INDUSTRIAL BOARD OF APPEALS

-----X  
 In the Matter of the Petition of: :  
 :  
 VALENTIN VOYNOROSKII AND ROSTOV AUTO :  
 EXPRESS, INC. AND BUKOVINA EXPRESS, INC., :  
 :  
 Petitioners, :  
 :  
 To Review Under Section 101 of the Labor Law: An :  
 Order to Comply with Article 6 and an Order under :  
 Article 19 of the Labor Law, both dated February 2, :  
 2009, :  
 :  
 - against - :  
 :  
 THE COMMISSIONER OF LABOR, :  
 :  
 Respondent. :  
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DOCKET NO. PR 09-092

RESOLUTION OF DECISION

APPEARANCES

Yuliya Price, for Petitioner.

WHEREAS:

1. The above proceeding was commenced by the filing of a petition for review pursuant to Labor Law § 101 and Part 66 of the Industrial Board of Appeals' Rules of Procedure and Practice (Rules) (12 NYCRR Part 66) on April 16, 2009; and
2. The petition sought review of the Order to Comply with article 6 and the Order under article 19 that Respondent Commissioner of Labor issued against Petitioners on February 2, 2009; and
3. Labor Law § 101 (1) provides that a petition to review the orders of the Commissioner of Labor "shall be filed with the board no later than sixty days after the issuance of the...[the] orders", and the petition in this matter was filed more than sixty days from the date the Orders were issued; and
4. By letter, dated May 1, 2009, enclosing a copy of the Rules, Petitioner was requested to file by May 29, 2009, a written explanation supported by proof why he contends that the petition is not untimely; and


5. By telephone on June 19, 2009 the petitioner asked for and received an extension until June 30, 2009 to respond to the May 1, 2009 letter; and
6. To date, Petitioner has failed to file any explanation; and
7. The Board finds that Petitioner has had ample opportunity to file a written explanation of why he contends that the petition is not untimely, and that the proceeding should be dismissed in accordance with the Rules.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

This proceeding be, and the same hereby is, dismissed in accordance with the Rules.

  
Anne P. Stovason, Chairman

  
J. Christopher Meagher, Member

  
Mark G. Pearce, Member

  
Jean Grumet, Member

  
LaMarr J. Jackson, Member

Dated and signed in the Office  
of the Industrial Board of Appeals  
at New York, New York, on  
January 27, 2010.