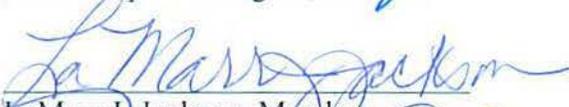
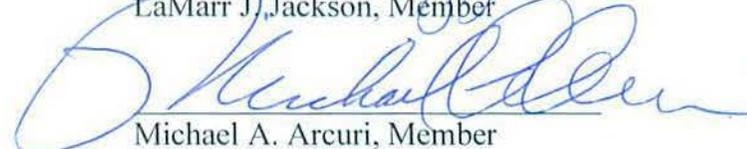




The orders sought to be reviewed were issued on July 23, 2015, and therefore, any petition for review filed with the Board with a post-mark after September 21, 2015 is untimely (*id.*; Board Rules of Procedure and Practice 65.5 [d] and 65.3 [a] [12 NYCRR 65.5 (d) and 65.3 (a)]). There is no dispute that the petition was filed one day late, nor have petitioners alleged service of the orders was defective. Because failure to file a petition within 60 days of issuance of the orders is a “fatal defect” (*Matter of Budget Tire Automotive, Inc. v O’Dell*, 223 AD2d 988, 989 [3d Dept 1996]), and law office failure cannot excuse petitioners’ failure to comply with the 60-day statute of limitations (*Galanos v City of New York*, 35 AD2d 829 [2d Dept 1970]; *Matter of Econopouly*, PR 13-180 [January 20, 2016] [petition granted where law office failure did not excuse respondent’s late filing of a pleading]), the petition must be dismissed.

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

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

  
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Vilda Vera Mayuga, Chairperson  
\_\_\_\_\_  
J. Christopher Meagher, Member  
\_\_\_\_\_  
LaMarr J. Jackson, Member  
\_\_\_\_\_  
Michael A. Arcuri, Member

Dated and signed by the Members  
of the Industrial Board of Appeals  
at Albany, New York  
on April 13, 2016.