STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

In the Matter of the Petition of:

EAST 222 AUTOMOTIVE REPAIRS INC.,

Petitioner,

To Review Under Section 101 of the Labor Law: DOCKET NO. PR 17-123
An Order to Comply with Article 6 and an Order:
Under Article 19 of the Labor Law, both dated May:
22, 2017,

- against -

THE COMMISSIONER OF LABOR,

Respondent.

RESOLUTION OF DECISION

APPEARANCES

Kamal Karkat, Accountant, Bronx, for petitioner.

Pico Ben-Amotz, General Counsel, NYS Department of Labor, Albany (Taylor A. Waites of
counsel), for respondent.

WHEREAS:

This proceeding was commenced when petitioner filed a petition with the Industrial Board
of Appeals on August 8, 2017, in an envelope post-marked August 3, 2017. The Board served the
petition on respondent Commissioner of Labor on September 6, 2017. Respondent moved on
October 5, 2017, to dismiss the petition as untimely. Petitioner did not respond to the motion.

Labor Law § 101 (1) provides that:

"Except where otherwise prescribed by law, any person in interest
or his duly authorized agent may petition the board for a review of
the validity or reasonableness of any . . . order made by the
commissioner . . . . Such petition shall be filed with the board no
later than sixty days after the issuance of such . . . order."

The orders sought to be reviewed were issued on May 22, 2017, and therefore, any petition
for review filed with the Board with a post-mark after July 21, 2017, is untimely (id.; Board Rules
of Procedure and Practice [12 NYCRR § 65.5 [d]]). As the petition in this proceeding was post-
marked after July 21, 2017, the petition was untimely and 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 is dismissed.

Vilda Vera Mayuga, Chairperson

J. Christopher Meagher, Member

Michael A. Arcuri, Member

Molly Doherty, Member

Gloribelle J. Perez, Member

Dated and signed by the Members of the Industrial Board of Appeals in New York, New York, on December 13, 2017.
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 is dismissed.

Vilda Vera Mayuga, Chairperson

J. Christopher Meagher, Member

Michael A. Arcuri, Member

Molly Doherty, Member

Gloribelle J. Perez, Member

Dated and signed by a Member of the Industrial Board of Appeals in Syracuse, New York, on December 13, 2017.