STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

In the Matter of the Petition of:

LOUIS CACACE AND SV VIDEO SERVICE, INC.,

Petitioners,

To Review Under Section 101 of the Labor Law:
An Order to Comply with Article 6 of the Labor Law dated August 7, 2008,

- against -

THE COMMISSIONER OF LABOR,

Respondent.

RESOLUTION OF DECISION

DOCKET NO. PR 08-167

APPEARANCES

Louis Cacace, pro se Petitioner.

WHEREAS:

1. On November 7, 2008, the Board received a petition in the above-captioned matter enclosed in an envelope post-marked November 10, 2008. The Petition seeks review of an Order that the Commissioner of Labor (Commissioner) issued against the Petitioner on August 7, 2008; and

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. The sixtieth day after the Orders here were issued was October 6, 2008. Therefore, the Petition, filed on November 10, 2008, was untimely; and

3. By letter dated December 1, 2008, the Board advised the Petitioner “despite the extenuating circumstances that you have explained in your letter, your petition is untimely and we are unable to accept it.”; and

4. 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. Steveson, Chairman

Absent
Susan Sullivan-Bisciglia, Member

J. Christopher Meagher, Member

Absent
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 May 20, 2009.