STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

In the Matter of the Petition of:

JOSEPH P. DOYEN AND DARSI L. DOYEN D/B/A DARSI'S (T/A DARSI'S GRAPE COUNTRY KITCHEN), Petitioners,

To Review Under Section 101 of the Labor Law:
Two Orders to Comply with Article 19 of the Labor Law, dated June 2, 2008,

- against -

THE COMMISSIONER OF LABOR,

Respondent.

DOCKET NO. PR 08-135

RESOLUTION OF DECISION

WHEREAS:

1. On August 26, 2008, the Board received a single copy of a Petition in the above-captioned matter enclosed in an envelope post-marked August 21, 2008, seeking review of two Orders issued by the Commissioner of Labor on June 2, 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 not timely filed.

3. By letter dated September 10, 2008, the Board requested that the Petitioners provide a written explanation supported by proof by September 26, 2008 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 September 10, 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. Stevason, Chairman

Susan Sullivan-Bisceglia, Member

J. Christopher Meagher, Member

Mark G. Pearce, Member

Jean Grumet, Member
