STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

In the Matter of the Petition of:

LISA M. TAGLIABUE AND TRINITY INTEGRITY
GROUP INC. T/A TRINITY HAIRDRESSING AND
MAKEUP ACADEMY,

Petitioners,

To Review Under Section 101 of the Labor Law:
An Order to Comply with Articles 6 and 19 of the Labor
Law, dated April 1, 2021,

- against -

THE COMMISSIONER OF LABOR,

Respondent.

DOCKET NO. PR 21-081

RESOLUTION OF DECISION

APPEARANCES

Lisa M. Tagliabue, petitioner pro se and for Trinity Integrity Group Inc.

Jill Archambault, Acting General Counsel, NYS Department of Labor, Albany (Lisa M. King of
counsel), for respondent.

WHEREAS:

This proceeding was commenced when petitioner filed a petition with the Industrial Board
of Appeals (hereinafter “Board”) on June 15, 2021, and on June 30, 2021, the Board served the
petition on respondent Commissioner of Labor. Respondent moved, on July 30, 2021, to dismiss
the petition because it was filed more than 60 days after the order being appealed was issued.
Petitioners 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 order to be reviewed was issued on April 1, 2021, and therefore, any petition for review
filed with the Board after May 31, 2021, is untimely (Labor Law § 101 (1); Board Rules of
Procedure and Practice (hereinafter “Board Rules”) [12 NYCRR §§ 65.5 and 65.3 (a)]. As the petition in this proceeding was filed on June 15, 2021, and petitioners have offered no reason to excuse the late filing, we find that 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 be, and the same hereby is, dismissed.

Dated and signed by the Members of the Industrial Board of Appeals on September 29, 2021.

Molly Boherty, Chairperson

Nakah Farley, Member

Sandra Abeles, Member

Patricia Kakalec, Member