

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: SPECIAL TERM PART I

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In the Matter of the Application of

THE DETECTIVES ENDOWMENT ASSOCIATION and
CHARLES VALOIS,

Petitioners,

Index No. 23213/85

-against-

ARVID ANDERSON, Chairman of the Board of
Collective Bargaining of the City of New
York; MILTON FRIEDMAN, EDWARD SILVER, JOHN D.
FEERICK, EDWARD F. GRAY, and CAROLINE
GENTILE, as members of the Board of Collective
Bargaining of the City of New York; and THE
OFFICE OF MUNICIPAL LABOR RELATIONS FOR THE
CITY OF NEW YORK,

Respondents.

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ALTMAN, Myriam J., J.:

In this Article 78 proceeding, petitioner Valois seeks to annul an order of respondent Board of Collective Bargaining of the City of New York (Board) which denied petitioner's request for arbitration. Respondents' cross-move to dismiss the petition as time-barred.

An Article 78 proceeding seeking review of an order of the Board must be commenced within 30 days after service of that order by registered or certified mail on the petitioner (Matter of Davis v Anderson, 51 AD2d 528, 1v to app den 39 NY2d 707; Civil Service Law, @213, subd [a]). Petitioner was served with a copy of the Board's order on August 23, 1985 when his attorney was served by certified mail (see Executive Law, §168). The petition in this proceeding was not served until October 1, 1985. Therefore, the proceeding is time-barred.

Even if petition were not untimely, it should be dismissed on the merits. The order of the Board has a sound, rational basis and its neither arbitrary nor capricious.

Accordingly, respondents' cross motions are granted and the petition is dismissed. This constitutes the decision and order of the court.

DATED: January 28, 1986

J. S. C.