

NATIONAL RAILROAD **ADJUSTMENT** BOARD

THIRD DIVISION

Award Number **23583**
Docket Number **MS-23435**

A. Robert **Lowry**, Referee

PARTIES TO DISPUTE: { Nelson J. **Lirette**
New Orleans Terminal Company

STATEMENT OF CLAIM: **This** is to serve notice, as required by the rules of the National Railroad Adjustment Board, of **my intention** to file an **ex parte** submission on covering an **unadjusted** dispute between **me** and the Southern Railway System involving **the** question: The dispute between myself (Nelson Lirette) and Southern Railway System whereas I was dismissed from Southern Railway on grounds that I was sick too often, left early, and was **tardy too much**.

I believe I was dismissed wrongly because I was legally sick during the time that Southern Railway used as record in **having** me dismissed., etc."

OPINION OF BOARD: Mr. Nelson J. Lirette, the Claimant, chose to progress his dispute to this Board as an individual. He was properly **informed** of his rights **and** advised that the time limits prescribed **in** Rule C-3 (1)(c) of the applicable Agreement had been extended by agreement to February 19, 1980, within which to submit his claim to this Board.

The **record** clearly shows Claimant's letter of intent to file his submission, dated March 10, **1980**, did not reach the Board **until** March **12, 1980**, failing to meet the extended **time** limit. Therefore, the claim **must** be dismissed.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

That the Carrier and the **Employees** involved in this dispute **are** respectively Carrier and **Employees** within the meaning of the Railway Labor Act, as approved **June** 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the claim **is barred**.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: Acting Executive Secretary
National Railroad Adjustment Board

By Rosemarie Brasch
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 10th day of March 1982.

