

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 Employee involved in this dispute are respectively Carrier and Employee 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.

