

VERMONT LABOR RELATIONS BOARD

GRIEVANCE OF;)	
)	
CATHERINE AMIDON)	DOCKET NO. 86-49

MEMORANDUM AND ORDER

At issue is whether this grievance should be dismissed as untimely filed. On September 12, 1986, the Labor Relations Board received a letter (dated September 10, 1986) and accompanying material from Catherine Amidon ("Grievant") appealing her termination from employment with the Vermont Veterans Home. Enclosed with the letter was the original dismissal letter given to Grievant by Marcia DeRosia, Administrator at the Veterans Home. The dismissal letter was dated August 1, 1986, and the letter indicated it was sent to Grievant by certified mail, return receipt requested. The last paragraph of the dismissal letter provided as follows:

In closing you should be advised that you have the right to appeal this dismissal at Step IV, before the State of Vermont Labor Relations Board, 123 (sic) Baldwin Street, Montpelier, Vermont 05602, within 30 days of receipt of this letter.

Upon receipt of the grievance, the Board requested the Employer file the return receipt for the dismissal letter with the Board so the Board would be able to verify the date Grievant received the dismissal letter. The Employer submitted a copy of the Certified Mail Receipt, which indicated Grievant signed for delivery of the dismissal letter August 4, 1986.

We conclude the grievance was untimely filed pursuant to 23.1 of the Board's Rules of Practice. Section 23.1 provides the Board will hear and make final determination on the grievances brought before it,

provided such grievances are "filed within 30 days after receipt of notice of the final decision of the employer". Grievant received notice of the Employer's final decision to dismiss her on August 4, 1986 and was specifically advised in the notice that she had the right to appeal the dismissal to the Board within 30 days of receipt of the notice. Her grievance appealing the dismissal was filed on September 12, 1986, 39 days after receipt of notice of the employer's final decision. Thus, the grievance was filed nine days late and is dismissed as untimely filed. Grievance of Joe Roy, ___ Vt. ___ (October 24, 1986). Grievance of Alexander Baron, 8 VLRB 57 (1985).

ORDER

Now therefore, based on the foregoing reasons, it is hereby
ORDERED:

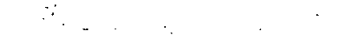
The Grievance of Catherine Amidon is DISMISSED as untimely filed.

Dated this 4th day of December, 1986, at Montpelier, Vermont.

VERMONT LABOR RELATIONS BOARD


William G. Kinsley, Sr.


Catherine L. Frank


Charles H. McHugh