



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Laconia Education Association/NEA-NH

Complainant

v.

Laconia School District, SAU #30

Respondent

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Case No. T-0239-24

Decision No. 2003-113

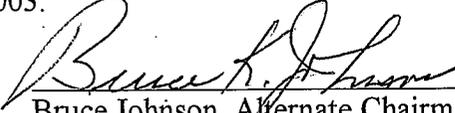
ORDER ON MOTION TO DISMISS

A hearing was convened at the offices of the Public Employee Labor Relations Board on September 23, 2002 at which both parties were represented and made oral argument to the Board related to the District's Motion to Dismiss. After considering the parties' pleadings, offers of proof, legal memoranda and oral arguments, the Board finds as follows:

1. The instant hearing was convened for the sole purpose of considering the District's Motion to Dismiss the Association's complaint as being untimely filed.
2. After considering the offers of proof presented by both parties in support of their respective positions, and the dispositive effect of the instant preceding, the Board believes that additional evidence, either testimonial or documentary, is necessary before it can determine whether or not the Association's complaint is barred by the six (6) month statute of limitations that governs the timeliness of its filing.
3. Therefore, a final evidentiary hearing is to be conducted on November 20, 2003 beginning at 9:30 AM at which both parties shall incorporate the presentation of evidence on the issue of timeliness as well as the merits raised by the Association's complaint.

So Ordered.

Signed this 6th day of October, 2003.


Bruce Johnson, Alternate Chairman

By unanimous vote. Alternate Chairman Bruce Johnson presiding. Members Seymour Osman and E. Vincent Hall present and voting.

Distribution:

James Allmendinger, Esquire, Staff Attorney, NEA-NH
Paul T. Fitzgerald, Esquire