

The Second Division consisted of the regular members and in addition Referee James F. Searce when award was rendered.

Parties to Dispute: (Peter R. Evanovich
(Chicago and North Western Transportation Company

Dispute: Claim of Employee:

I, Mr. Peter Evanovich was not given an opportunity to properly defend myself in an investigation about a job that I did for the company. Also, that I was discriminated against by my union representative and railroad supervisor, which brought this investigation and suspension from the company. This suspension being for 60 days without pay.

Findings:

The Second Division of the Adjustment Board upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employe within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

This is an action brought by the affected employe, as Claimant on his own behalf in protest of an investigation/hearing concerning his responsibility in improperly carrying out an assignment; the result was imposition of a 60-day disciplinary suspension. The record shows that the hearing was postponed at least once at the behest of the Claimant and finally proceeded without him. The Claimant contends discrimination.

The Carrier raises a procedural objection relative to time limits, i.e., failure on the Claimant's part to raise a claim on the property within 60 days of the occurrence of the event. The record indicates the Claimant never complied with the Time Limit Rule (1a), and this Board is accordingly barred from consideration of the merits by Section 3, First (i) of the Railway Labor Act.

A W A R D

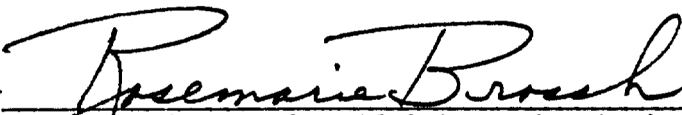
Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

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Award No. 9561
Docket No. 9472-I
2-C&NW-I-'83

Attest: Acting Executive Secretary
National Railroad Adjustment Board

By 

Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 13th day of July, 1983.