

The Second Division consisted of the regular members and in addition Referee Nicholas H. Zumas when award was rendered.

Parties to Dispute: { John W. Doore, Petitioner  
{  
{ Canadian Pacific Limited

Dispute: Claim of Petitioner:

Mr. Doore contends that when his name was removed from the Firemen and Oilers seniority list in 1969, the carrier violated several provisions of collective bargaining agreements in effect.

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.

It is evident from the record in this dispute that it must be dismissed on the grounds and for the reason that it was not handled on the property in accordance with the provisions of the schedule agreement and the requirements of Section 3 First (i) of the Railway Labor Act and Circular No. 1 of this Board.

The record reveals that the claim was declined by Carrier's highest designated appeals officer on June 30, 1972, and was not presented to this Board until October 31, 1973 - some 16 months later. Rule 8.4 of the Agreement requires that submission to the Board must be filed within nine months of Carrier's decision. Otherwise it must be barred from consideration.

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Award No. 6786  
Docket No. 6628-I  
2-CP-I-'74

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest: Executive Secretary  
National Railroad Adjustment Board

By   
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 25th day of November, 1974.