

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

Parties to Dispute: { Roy Keeling, Petitioner  
 {  
 {  
 { Detroit and Toledo Shoreline Railroad Company

Dispute: Claim of Petitioner:

Petitioner, Roy Keeling, claims that he should be re-qualified for light duty status pursuant to an agreement between The Detroit and Toledo Shoreline Railroad Company and System Federation Number 16 Railway Employees Department and specifically Rule 13 of that agreement captioned "faithful service" which reads as follows:

"Employees who have given long and faithful service in the employ of the company and who have become unable to handle heavy work to advantage, will be given preference of such light work in their line as they are able to handle."

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 were given due notice of hearing thereon.

There is a jurisdictional defect in this dispute that prohibits the Board from considering the merits of the claim.

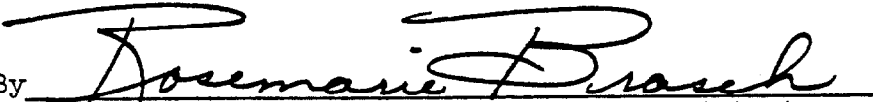
The claim was declined by Carrier's highest designated appeals officer on July 26, 1972, and was not submitted to this Board until October 29, 1973. Thus, the time limit had expired April 26, 1973, and we are compelled to dismiss the claim.

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.