

The Second Division consisted of the regular members and in addition Referee Gene T. Ritter when award was rendered.

Parties to Dispute: ( International Association of Machinists and  
( Aerospace Workers  
(  
(  
( Missouri Pacific Railroad Company .

Dispute: Claim of Employees:

1. That the Missouri Pacific Railroad Company violated the controlling Agreement, in particular Rule 32, arbitrarily and improperly disciplining Machinist K. G. Beasley commencing June 5, 1974.
2. That, accordingly, Machinist K. G. Beasley be compensated from 7:30 A.M., June 5, 1974, for 174½-hours at the applicable pro rata rate of pay, 16-hours at the punitive rate of pay for overtime for which he would have been available, plus 12% per annum interest until claim is settled, and the proper Railroad Retirement contribution by the Carrier, in conformity with Rule 32 (d) of the controlling Agreement.

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 claim is barred under the provisions of Rule 31 (a) which requires that all claims must be presented in writing on behalf of the involved employee to the officer of the Carrier authorized to receive the same within sixty (60) days from the date of the occurrence on which the claim or grievance is based. The record in this dispute discloses that the claim was not filed with the officer authorized to receive the same within sixty days, and therefore, this Board has no jurisdiction to consider this case on its merits. (See Second Division Awards Nos. 7088, 7026, 6992, 6981, 6980 and many others.) The Organization relies on the fact that the claim was not filed with the Superintendent because the Superintendent rendered the decision imposing the discipline in this case. In order to confer jurisdiction upon this Board for the purpose of appeal, it was necessary that the mandatory procedural requirements be met.

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Award No. 7216  
Docket No. 7054  
2-MP-MA-'77

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  
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 25th day of January, 1977.