

The Second Division consisted of the regular members and in addition Referee Eckehard Muessig when award was rendered.

Parties to Dispute: (Mr. Issac Philip
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(Chicago and North Western Transportation Company

Dispute: Claim of Employes:

Carrier/respondent arbitrarily laid off the petitioner in violation of the Agreement (paragraph 8 and paragraph 11 of the agreement) between the Carrier and the Union System Federation NO. 12, Railway Employees Department, AFL-CIO, Mechanical Section No. 1 in which petitioner is a member. Furthermore, the Union refused to give representation to the petitioner even after repeated requests. A copy of the Agreement is attached as petitioner's exhibit "A".

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 employes 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.

This Claim before the Board arose after the Claimant was furloughed from his electrician position on January 6, 1983. The Claimant contended that two other electricians were given retroactive seniority in violation of the Agreement, making him the junior person on the roster. He contends that this action resulted in his improper layoff.

The record shows that the Claimant submitted a letter of appeal dated March 29, 1983 to the Superintendent of the Passenger Locomotive Shop. The Claim was denied by letter dated April 13, 1983. He did not further progress his Claim until June 2, 1983, when he filed a petition with this Board.

This Board has stated on numerous occasions that it much prefers to deal with the merits of a dispute. However, in this instance, the Claimant clearly

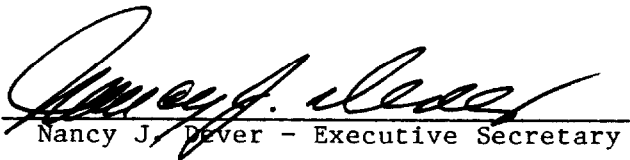
has failed to comply with substantive contractual requirements with respect to (1) time limits and (2) appeal to the Chief Operating Officer designated by the Carrier to handle disputes. The Board, therefore, is required to dismiss the Claim for lack of jurisdiction.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois this 16th day of April 1986.