

The Second Division consisted of the regular members and in addition Referee W. J. Peck when award was rendered.

(Chan N. Harwani

Parties to Dispute: (

(National Railroad Passenger Corporation (Amtrak)

Dispute: Claim of Employees:

1. That under the current Agreement the National Railroad Passenger Corporation has unjustly dismissed Chicago, Illinois Electrician Chan Harwani from service effective April 9, 1984, causing him to unjustly be held from service as of 7:15 AM, March 18, 1984.

2. That under the current Agreement the National Railroad Passenger Corporation improperly removed Electrician Chan Harwani from service pending investigation, on March 18, 1984.

3. That accordingly the carrier be ordered to restore Electrician Chan Harwani, (3-19-84 through 9-13-84, inclusive holidays) with all pay due him from the first day he was held out of service until the day he is returned to service, at the applicable Electrician's rate of pay for each day he has been improperly held from service; and with all benefits due him under the group hospital and life insurance policies for the aforementioned period; and all railroad retirement benefits due him, including unemployment and sickness benefits due him, including unemployment and sickness benefits for the aforementioned period; and all vacation and holiday benefits due him under the current vacation and holiday agreements for the aforementioned period; and all other benefits that would normally have accrued to him had he been working in the aforementioned period in order to make him whole; and expunge his record.

4. All the officers of the Carrier, who willfully failed and directly and/or indirectly refused to comply with the terms as mentioned in "The Railway Labor Act", chapter 8, paragraph Ten of section 152. MAY GOD GIVE CURRAGE (sic) to the HONARARY (sic) BOARD, to serve the justice to the public under one GOD and punish those officers of the Carrier, to the highest authority under the law.

5. That accordingly compensate and Remunerate Chan N. Harwani, a first generation Immigrant and the citizen of this GREAT DEMOCRATIC NATION, for the sufferings, anguish and agony in unjustified manner caused to him and his family by Carrier and its officers, jointly and individually by their wilful (sic) failure under "The Railway Labor Act" as out-lined in section 152, paragraphs (sic) Ten and other paragraphs of section 152.

FINDINGS:

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

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employees 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.

The Claimant in this case is an Electrician employed by the Carrier at its repair facilities in Chicago, Illinois. He was charged with refusing to perform duties assigned to him. Investigation was held on March 27, 1984 and on April 9, 1984, Carrier advised Claimant by mail that he was assessed the discipline of dismissal. On August 31, 1984, the Director of Labor Relations reduced the penalty to a suspension covering the period of March 18 through September 13, 1984, the date on which Claimant returned to work. Carrier apparently agreed that the Claim could be continued.

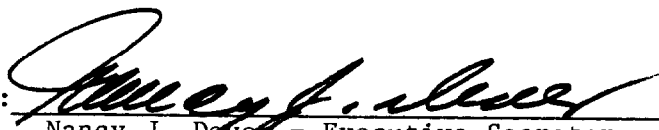
On April 2, 1985, Carrier agreed to a 45-day extension for progression of the Claim to the Board which would make the deadline for filing with the Board May 21, 1985. The Notice Letter to this Board is dated May 24, 1985, which is three days beyond the agreed to extension. The Claim is accordingly defective and must be dismissed.

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 15th day of October 1986.