

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 11910
Docket No. 11776-I
90-2-89-2-68

The Second Division consisted of the regular members and in addition Referee John C. Fletcher when award was rendered.

PARTIES TO DISPUTE: (Tommie J. Anderson
(Illinois Central Railroad

STATEMENT OF CLAIM:

This is to serve notice, as required by the rules of the National Railroad Adjustment Board of my intention to file an Ex Parte Submission within thirty (30) days covering an unadjusted dispute between me and the Illinois Central Railroad, involving my seniority and other contractual rights.

I entered the employment of Illinois Central or its predecessors during 1943 as a laborer. I have since held various positions with Illinois Central, including laborer, carman apprentice, carman and car inspector from 1943 until approximately 1963 at which time I was furloughed from my employment but retained seniority rights.

On November 19, 1971 I was seriously injured in Meridian, Mississippi while employed by M & B Railroad. During 1984 I finally became physically able to resume my employment, and applied to resume my work in accordance with my seniority rights at Illinois Central in November, 1984. The Railroad, however, refused to recognize my seniority and other contractual benefits and refused to offer me employment. I was first notified on April 1, 1986 that the company had refused to reinstate me in violation of the applicable collective bargaining and other agreements.

I am seeking compensation for my wages lost during 1985-1988. In addition, I am seeking to have my pension benefits adjusted to reflect additional years of service and company recognition of my seniority status and just compensation in the event the company desires to purchase my seniority rights.

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.

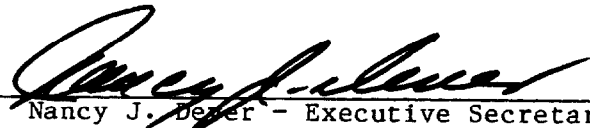
Examination of the record in this Docket demonstrates conclusively that the Claim before this Board was neither timely filed nor timely progressed. Additionally, the matter was not discussed in conference on the property as required by the Agreement and the Railway Labor Act. These procedural defects preclude our consideration of the matter. Under the Agreement and the Act it must be dismissed.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Decker - Executive Secretary

Dated at Chicago, Illinois, this 1st day of August 1990.