

****REVISED****

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

Award No. 13536

Docket No. 13301

00-2-97-2-74

The Second Division consisted of the regular members and in addition Referee Edward L. Suntrup when award was rendered.

**(International Association of Machinists and
(Aerospace Workers**
PARTIES TO DISPUTE: (
(Union Pacific Railroad (former Missouri Pacific
(Railroad Company)

STATEMENT OF CLAIM:

- "1. That the appeal procedures of the Time Limit Rule, Rule 31 of the Agreement effective June 1, 1960, and not the appeals procedures of the parties' Special Agreement dated August 12, 1996 pertaining to disciple appeals, governs an appeal wherein the issue is estoppel.**
- 2. That the claim on behalf of G. J. Morgan has not been properly appealed within the provisions of Rule 31 and therefore a final order shall be issued by the Second Division, NRAB, dismissing the claim from further consideration."**

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 employee 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.

After reviewing the full record on Docket No. 13301, as well as that of NRAB Docket No. 13308 which is also before it, the NRAB rules that its conclusions on merits in Docket No. 13308 are equally applicable here to the instant case which deals with procedural matters. Those conclusions in Second Division Award 13535 are cited here by reference.

AWARD

Claim dismissed.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Dated at Chicago, Illinois, this 27th day of July, 2000.