

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

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PARTIES TO DISPUTE:

PAUL J. MURPHY

BOSTON & ALBANY RAILROAD (N.Y.C.R.R. Co., Lessee)

**STATEMENT OF CLAIM:** Claim of Paul J. Murphy, Operator-Towerman, that

(a) he be reinstated and paid for all time lost from May 14, 1955, until he is returned to service with seniority unimpaired as of November 14, 1946.

(b) letter of dismissal of May 27, 1955, be rephrased to clearly show the manner in which it is alleged that he violated Rule 725 of the Operating Department—i.e., he did not leave a specific assignment unprotected; he did not interfere with the normal operations of the carrier; and he did not engage a substitute to perform his duties.

**OPINION OF BOARD:** The record shows that, following decision of the Carrier's highest officer designated to handle such disputes, the petitioner failed to institute proceedings before the Third Division within nine months as provided in agreement between the parties, dated August 21, 1954. Such failure deprives the Board of jurisdiction to consider the merits and requires that this claim be dismissed.

**FINDINGS:** The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

That the carrier and the employees involved in this dispute are respectively carrier and employees within the meaning of the Railway Labor Act, as approved June 21, 1934;

The record discloses that the dispute was not properly progressed within time limits prescribed by the governing Agreement.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of THIRD DIVISION

ATTEST: A. Ivan Tummon  
Executive Secretary

Dated at Chicago, Illinois, this 22nd day of March, 1957.