

Award No. 7865
Docket No. DC-7352

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Livingston Smith, Referee

PARTIES TO DISPUTE:

JOINT COUNCIL DINING CAR EMPLOYES, LOCAL 351

CHICAGO AND EASTERN ILLINOIS RAILROAD COMPANY

STATEMENT OF CLAIM: Joint Council Dining Car Employees Local 351 on the property of the Chicago and Eastern Illinois Railroad Company for and on behalf of Harry M. Bufford; that he be reinstated to his former position with vacation and seniority rights unimpaired and compensation for all time loss as of January 29, 1954.

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 six months as provided in agreement between the parties, dated December 1, 1951. 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

Case dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: A. Ivan Tummon
Executive Secretary

Dated at Chicago, Illinois, this 9th day of May, 1957.