

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

JOINT COUNCIL DINING CAR EMPLOYEES, LOCAL 465
UNION PACIFIC RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of Joint Council Dining Car Employees, Local 465 for and on behalf of Jasper Grant, dining car waiter, that he be restored to service with seniority and vacation rights unimpaired and that he be compensated for all net wages lost from December 27, 1955 account Carrier's dismissing claimant in violation of current agreement.

OPINION OF BOARD: This claim is barred by failure to comply with that part of Rule 17(h) of the parties' effective Agreement reading as follows:

"(h) All claims or grievances involved in said manager's decision shall be barred and deemed to have been abandoned, unless:

"1. * * *

"2. Within six months from the date of said Manager's decision, proceedings are instituted before a tribunal of competent jurisdiction established by law or agreement to secure a determination or adjudication of the rights of the parties."

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

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the claim is barred.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: A. Ivan Tummon
Executive Secretary

Dated at Chicago, Illinois, this 13th day of November, 1958.