

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

**RAILROAD DIVISION, TRANSPORT WORKERS OF AMERICA,
AFL-CIO**

DONORA SOUTHERN RAILROAD COMPANY

STATEMENT OF CLAIM: That it is improper for the Carrier to remove an employe from the Maintenance of Way Roster when the employe was furloughed from said Department and was working in the Car Department when he asked for and received a Leave of Absence.

OPINION OF BOARD: The record shows that Claimant William Magnone applied for and was granted a thirty-day leave of absence effective August 17, 1955; that, on September 20, 1955, Carrier wrote Claimant that his name was being removed from the seniority roster as of that date because he had not reported for duty or requested any extension of his leave of absence, and that no claim or grievance was made until January 20, 1956.

Article 20 of the Agreement between the parties provides, in pertinent part, as follows:

"All claims or grievances must be made in writing within sixty (60) days from date of the occurrence on which the claim or grievance is based, and if not so presented, are barred."

Inasmuch as more than sixty days had elapsed from date of the occurrence before any claim or grievance was made, we must hold that the claim herein is barred under Article 20 and should therefore be dismissed.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That both parties to this dispute waived oral hearing thereon;

That the Carrier and the Employe involved in this dispute are respectively carrier and employe 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 in accordance with Opinion the claim is barred.

AWARD

Claim dismissed in accordance with Opinion and Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: A. Ivan Tummon
Executive Secretary

Dated at Chicago, Illinois, this 26th day of February, 1959.