

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

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**PARTIES TO DISPUTE:**

PEARL P. MARTIN

ILLINOIS CENTRAL RAILROAD COMPANY

**STATEMENT OF CLAIM:** I, PEARL P. MARTIN, now asserts that the Illinois Central Railroad Company through its agents failed to place me in my proper seniority position which resulted in idleness and lost wages, and further, the agents of the Illinois Central Railroad Company discriminated against me because I asserted my rights which has kept me in almost complete idleness.

**OPINION OF BOARD:** At the outset we are confronted with Carrier's challenge of the Board's jurisdiction to consider the dispute on its merits in that Petitioner did not institute proceedings before this Division within the 9 months provided in Article V, Section 1(c), August 21, 1954 Agreement.

The record shows that the highest designated officer of the Carrier denied claim on May 28, 1958. Proceedings before this Division were not instituted until May 21, 1959, therefore, barred under Article V, Section 1(c) of the August 21, 1954 Agreement.

**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 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;

That the claim is barred by the August 21, 1954 National Agreement.

**AWARD**

Claim dismissed.

**NATIONAL RAILROAD ADJUSTMENT BOARD**  
By Order of **THIRD DIVISION**

**ATTEST: S. H. Schulty**  
Executive Secretary

Dated at Chicago, Illinois, this 11th day of January, 1960.