

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

JOSEPH GARDETTE

**CHICAGO, MILWAUKEE, ST. PAUL AND
PACIFIC RAILROAD COMPANY**

STATEMENT OF CLAIM:

"For and in behalf of JOSEPH GARDETTE of 414 East 44th Street, Chicago, Illinois, that dismissal from service after twenty years was unwarranted, without foundation and a fair and impartial hearing was not held as evidence herein will prove — therefore I beg for relief from this situation by requesting that I, JOSEPH GARDETTE be restored to my job as Dining Car Waiter and paid for all time loss, less amounts made in other industries.

"That dismissal from service after twenty years of consecutive service without benefit of a fair and impartial hearing as prescribed in the Railway Labor Act as amended: That said dismissal was and is unjustified and unwarranted, and under no stretch of imagination required the punishment of Dismissal."

OPINION OF BOARD: The record clearly shows that the claim herein was involved in a decision by the highest designated officer of the Carrier, following which proceedings were not instituted by the employe or his duly authorized representative before this Division of the Board within nine months, nor was the nine months' period extended by agreement of the parties. In these circumstances the claim is specifically barred by Agreement Rule 8 (g).

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 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 the claim is barred.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 29th day of April 1960.