

Award No. 13253

Docket No. MS-12640

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

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**PARTIES TO DISPUTE:**

**CIRILO T. BERRANCO**

**THE ATCHISON, TOPEKA AND SANTA FE RAILWAY  
COMPANY—COAST LINES**

**STATEMENT OF CLAIM:** My being suspended from service May 27, 1959 as Section Laborer, AT&SF RR CO., Valley Division, Section #1, Bakersfield, California. In violation of Article VI, Section 1 of the effective Agreement which states, "NO EMPLOYEE WHO HAS BEEN IN SERVICE MORE THAN SIXTY CALENDER DAYS WILL BE DISCIPLINED WITHOUT FIRST BEING GIVEN AN INVESTIGATION."

**OPINION OF BOARD:** The record reveals that Claimant did not appeal his claim to this Board within the nine months provided in Article VII reading, here pertinent, as follows:

" \* \* \* All claims or grievances involved in a decision by the highest designated officer shall be barred unless within 9 months from the date of said officer's decision proceedings are instituted by the employe or his duly authorized representative before the appropriate division of the National Railroad Adjustment Board . . ."

Under these circumstances, the Board has no alternative than to dismiss the Employee's claim.

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

That the parties waived oral hearing;

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: S. H. Schulty  
Executive Secretary

Dated at Chicago, Illinois, this 29th day of January, 1965.