

**Award No. 13254**

**Docket No. MS-13403**

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

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**PARTIES TO DISPUTE:**

**ROBERT E. REGISTER**

**ATLANTIC COAST LINE RAILROAD COMPANY**

**STATEMENT OF CLAIM:** Petitioner submits that he has been substantially and irreparably hurt and prejudiced by reason of the acts and doings of Respondent in violation of his contractual and other rights under the employer-employee relationship then obtaining between the parties in the manner hereinafter more particularly set forth.

**OPINION OF BOARD:** The record reveals that Claimant did not appeal his claim to this Board within the nine months provided in Rule 11 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, 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:** S. H. Schulty  
Executive Secretary

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