

Award No. 13673
Docket No. DC-14949

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Harold M. Weston, Referee

PARTIES TO DISPUTE:

JOINT COUNCIL DINING CAR EMPLOYEES, LOCAL 849

**CHICAGO, ROCK ISLAND AND PACIFIC
RAILROAD COMPANY**

STATEMENT OF CLAIM: Claim of Joint Council Dining Car Employees, Local 849, on the property of the Chicago, Rock Island and Pacific Railroad Company, for and on behalf of Porter-Waiter Wilbur Johnson, that he be restored to service and compensated for net wage loss with seniority and vacation rights unimpaired, account of Carrier dismissing Claimant from service, in violation of the Agreement, and in abuse of its discretion.

OPINION OF BOARD: This is a discipline case involving the dismissal from service of Porter-Waiter Wilbur Johnson.

Rule 11 of the controlling Agreement prescribes that if the decision of the Chief Operating Officer is not acceptable, "further appeal to the tribunal having jurisdiction pursuant to law or by agreement must be taken within one hundred and eighty (180) days after such Chief Operating Officer renders his decision. If appeal is not so taken to such authorized tribunal within the time prescribed, redress will be waived by all parties.

The record shows that the Chief Operating Officer rendered his decision on October 29, 1959, but that the notice of intent to file this dispute with the Third Division was dated June 16, 1964, well in excess of the time limit provided for in Rule 11.

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 by terms of the Time Limit Rule.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 17th day of June 1965.