



Award Number 17668

Docket Number DC-18262

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

Don Gladden, Referee

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**PARTIES TO DISPUTE:**

**JOINT COUNCIL DINING CAR EMPLOYEES,  
LOCAL 372**

**UNION PACIFIC RAILROAD COMPANY**

**STATEMENT OF CLAIM:** Claim of Joint Council Dining Car Employees Local 372 on the property of the Union Pacific Railroad Company, for and on behalf of DEWITT ROBINSON that he be restored to service and compensated for net wage loss with seniority and vacation rights unimpaired account of carrier discharging claimant from service on July 12, 1968, 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 Dining Car Cook DeWitt Robinson.

The Controlling Agreement between the parties in this case contains Rule 27 (d) which provides:

"(d) Discipline cases not appealed to the Manager, Dining Car and Hotel Department within twenty days or from the decision of the Manager within thirty days, will be considered closed."

The record in this case shows decision of dismissal by the Manager on September 26, 1968, while the notice of intent to file this dispute with the Third Division was dated January 16, 1969, obviously in excess of the thirty day time limit provided for in Rule 27 (d).

**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 Employees involved in this dispute are respectively Carrier and Employees 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.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST: S. H. Schulty  
Executive Secretary

Dated at Chicago, Illinois, this 20th day of January 1970.