



Award Number 17694

Docket Number MS-18410

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

John J. McGovern, Referee

PARTIES TO DISPUTE:

MR. JOE E. MYERS

UNION PACIFIC RAILROAD COMPANY

STATEMENT OF CLAIM: Regards to rules and practices in effect on the railroad relative to proceedings outlined in CIRCULAR NO. 1 (issued October 1984) NATIONAL ADJUSTMENT BOARD we desire to petition account chief operating officer of the carrier has failed to make an adjustment.

Per the **INSTRUCTION SHEET** as follows:

- (1) This written notice in 15 copies of our intention to file with the Third Division of the National Railroad Adjustment Board, **EX PARTE** submission:

Joe E. Myers
523 14th Ave. South
Nampa, Idaho 83651
Brotherhood Railway, Airline Clerks #1019

VS

Union Pacific Railroad Company
1416 Dodge Street
Omaha, Nebraska 68102

- (2) For the purpose of identification of said notice:

- (a) To reinstatement of Mr. J. E. Myers to his former position of Roadmaster's Clerk at Nampa, Idaho with all rights unimpaired and compensation for all time lost account from date of June 11, 1965 his removal from service verbally from the Division Engineer's Office to and included date of his restoration to service with the Union Pacific Railroad Company.
- (b) To more clarify and describe above attached please find (15 copies) of letter by Mr. F. A. Hallberg dated July 19, 1965.
- (c) In addition I will add that question in and with the carrier and disputed are: violation 45, and especially (to name a few at this time) violation pages 102, 103 pertaining to the rules 17 and 18 in the Agreement dated May 1, 1955 per my letters April 14, 1967, June

25, 1967 and August 3, 1967 of which we will submit as well as others in my Ex Parte with your approval, will look forward for an early reply.

Briefly reason of dismissal in the first place was phone call from Division Engineer's Office to add to material reports forms 243's month JUNE 1965 4000 cross ties used month DECEMBER 1964 this instructions carried out, however a rubber stamp had been furnished Roadmaster's Clerk Joe E. Myers and he failed to stamp forms 243's (3). This phone call came from Mr. Tyler's Office about 28th of June 1965 when 243's already completed. Reason of emphasis is to show you the time element.

OPINION OF BOARD: The record discloses that the Claimant was dismissed from service June 1965 and was subsequently reinstated on a leniency basis. He was again dismissed from service in October 1967. Claimant's claim before this Board is based on his 1965 dismissal. In any event, as the record discloses, Claimant did not comply with the terms of the Time Limit rule, 46 (c), of the Agreement between the parties in filing his claim with this Board. Accordingly the claim is barred.

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.

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 30th day of January 1970.



Serial No. 235

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Interpretation No. 1 to Award No. 17694

Docket No. MS-18410

Name of Employee:

MR. JOE E. MYERS

Name of Carrier:

UNION PACIFIC RAILROAD COMPANY

Upon application of the employee involved in the above Award that this Division interpret the same in the light of the dispute between the parties as to its meaning and application, as provided for in Section 3, First (m) of the Railway Labor Act, as approved June 21, 1934, the following interpretation is made:

The Claimant in the above captioned docket has submitted a letter containing several questions relative to our Award Number 17694 made on the 30th day of January 1970 disposing of his claim. The letter requests an interpretation of our Award by asking a series of questions, the sum and substance of which tend to have the effect of re-arguing the merits of the case.

There appears to be no dispute relative to our Award as rendered. Indeed the facts of the Claimant's case were quite simple and concise. The Award as made speaks for itself and it is indeed difficult to understand how further clarification could be had. Since there is no dispute as to the meaning or effect of the Boards' award in this docket, we simply re-affirm our award that the claim was and is barred because of the time limit rule.

Petitioner's request for interpretation, if that is in effect what he has in mind, is denied.

Referee John J. McGovern who sat with the Division, as a neutral member when Award No. 17694 was adopted, also participated with the Division in making this interpretation.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION**

**ATTEST: S. H. Schulty
Executive Secretary**

Dated at Chicago, Illinois, this 17th day of July 1970.

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