



Award Number 17747

Docket Number DC-18255

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

David Dolnick, Referee

PARTIES TO DISPUTE:

THE BROTHERHOOD OF RAILROAD TRAINMEN

**THE ATCHISON, TOPEKA AND SANTA FE RAILWAY
COMPANY—DINING CAR DEPARTMENT—**

STATEMENT OF CLAIM: That Dining Car Steward E. M. Addison, Jr., be reinstated with seniority rights and privileges restored, but without pay for time lost.

OPINION OF BOARD: This is a discipline case involving the dismissal of Dining Car Steward E. M. Addison, Jr. The Controlling Agreement between the parties contains Article, VI, Section 5 which specifically provides in pertinent part:

"When hearings are held, decision of the Company shall be communicated to the Steward in not more than five days after conclusion of the investigation. If an appeal is taken, it must be filed with the next higher official of the Company within ten days after date of decision of the officer appealed from. . . ."

The record in this case reveals that the investigation was held with the claimant on January 20, 1967; Carrier's letter of dismissal sent claimant on January 23, 1967. However the appeal by the Organization was not filed with the next higher official until March 8, 1967 which was well beyond the 10 day time limit as provided for in Article VI, Section 5 quoted above. Accordingly this Board has no other alternative but to dismiss this 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 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.

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 25th day of February 1970.