

Award No. 18704
Docket No. CL-19317

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Arthur W. Devine, Referee

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY, AIRLINE AND STEAMSHIP
CLERKS, FREIGHT HANDLERS, EXPRESS AND
STATION EMPLOYES**

**NORFOLK AND WESTERN RAILWAY COMPANY (Involving
Employees on Lines Formerly Operated by the
Wabash Railroad Company)**

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-6986) that:

(1) Carrier violated the Clerks' Agreement when it failed to hold the investigation within seven (7) days of the date when charged with the offense, as required by Rule 28 (a) of the rules and working conditions agreement; and on August 10, 1970, dismissed from its service Leo Bertoia, Assistant T. O. F. C. Supervisor, Detroit, Michigan, following investigation held on August 3 and 4, 1970.

(2) Mr. Leo Bertoia shall be restored to service with Seniority and all other rights unimpaired.

(3) Mr. Leo Bertoia shall be compensated for all wage losses incurred on and after August 10, 1970, until reinstated.

OPINION OF BOARD: It clearly appears from the record before us that no claim under the controlling agreement was presented to the proper officers of Carrier within the time limits established by the agreement; therefore, 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.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: E. A. Killeen
Executive Secretary

Dated at Chicago, Illinois, this 24th day of September 1971.