

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19230
Docket Number DC-19562

Arthur W. Devine, Referee

(Joint Council of Dining Car Employees
(Local 849

PARTIES TO DISPUTE: (

(Chicago, Rock Island and Pacific Railroad Company

STATEMENT OF CLAIM: Claim of the Joint Council of Dining Car Employees, Local 849 on the property of the Chicago, Rock Island and Pacific Railroad Company for and on behalf of Mr. Hubert Nickerson, Chair Car Attendant, who was dismissed from Carrier's service on March 24, 1971 as a result of an investigation held on March 16, 1971. Carrier shall now restore Mr. Hubert Nickerson to service with all rights restored and compensated for all time lost.

OPINION OF BOARD: The record in this case indicates that following a formal investigation, which the claimant refused to attend, claimant was dismissed from service of Carrier.

This claim must be dismissed for two reasons; First claimant did not comply with the appeal provision of Rule 11(f) of the applicable Agreement since the record shows that the first appeal officer was by-passed; Secondly, the Organization did not comply with Rule 11(g) of the Agreement when it did not submit this claim to this Division within the 180 day time limit following final declination of the claim on the property. See Third Division Awards 8889 (McMahon), 12490 (Ives), 14438 (Dolnick), 16542 (Devine), 16117 (McGovern), 16827 (Ritter) and 17907 (Quinn).

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 be dismissed.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

E.A. Killen
Executive Secretary

Dated at Chicago, Illinois, this 25th day of May 1972.