

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20253  
Docket Number X-20318

Joseph A. Sickles, Referee

(Leonard L. Shivler

PARTIES TO DISPUTE: (

(George P. Baker, Richard C. Bond, and **Jervis**

( **Langdon**, Jr., Trustees of the Property of

( Penn Central Transportation Company, Debtor

STATEMENT OF CLAIM: This is to serve notice, as required by the rules of the National Railroad Adjustment Board, of my intention to file an ex-parte submission on February 28, 1973 covering an adjusted dispute between myself and the Penn Central Transportation Company, involving the question:

Under the merger protective agreement, am I a protected employee for services rendered between February 7, 1965 and the present date.

OPINION OF BOARD: The record shows a purported resolution of the claim in April, 1969.

Almost four (4) years later, Claimant submitted the matter to this Board.

The applicable **Agreement** requires that claims or grievances shall be barred unless within one year proceedings are instituted before an appropriate Adjustment Board. See Rule **7-B-1(i)**.

We are unable to consider the merits of this dispute because the claim must be dismissed on a "time limit" question. See Awards 16446 (**Dorsey**), 16329 (**Heskett**), 15924 (Ives) and 14171 (Wolf).

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

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That the claim will be dismissed.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

A.W. Pauler  
Executive Secretary

Dated at Chicago, Illinois, this 17th day of May 1974.