

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20655

Docket Number CL-20553

Joseph A. Sickles, Referee

(Brotherhood of Railway, Airline, and Steamship
(Clerks, Freight Handlers, Express and Station
(**Employees**

PARTIES TO DISPUTE: (

(**J. F. Nash** and **R. C. Haldeman**, Trustees of the
(Property of Lehigh Valley Railroad Company,
(Debtor

STATEMENT OF CLAIM: Claim of the System **Committee** of the Brotherhood,
(**GL-7430**), **that:**

(a) The Carrier violated the Rules Agreement, effective **May 1, 1955**, particularly Rules **19(e)** and **55(a)**, when position of Grain Clerk, Buffalo, N. Y., Buffalo Division, rate \$808.36 a month, incumbent Mary B. Warner, was abolished, effective with close of tour of duty March 7, 1972, and a portion of the duties were assigned to Rate Clerk position, incumbent P. A. **Maholsic**, rate \$785.04, and to Rate Clerk position, incumbent **J. A. Renne**, rate \$732.61.

(b) P. A. **Maholsic** and **J. A. Renne** each be paid the difference between their rate of pay and that of the abolished position of Grain Clerk, beginning March 8, 1972, and continuing until their rate of pay is made equal to the rate of the abolished position of Grain Clerk.

(c) Position of Grain Clerk, Buffalo, N. Y., rate as of March 7, 1972, be restored and affected **employees** recalled in accordance with Article I, Section 3 of the Mediation Agreement of February 7, 1965. (Case No. **58/72**)

OPINION OF BOARD: Carrier asserts that the dispute is not properly before the Board because a claim was not submitted in a timely manner.

The position was abolished on March 7, 1972. A claim (as contemplated by the Agreement between the parties) was not submitted until June 6, 1972. Rule 33 requires that claims be presented within sixty (60) days of the occurrence in order to be valid.

Thus, a review of the record compels us to conclude that the claim which is pursued here was not filed in a timely manner and we have no alternative but to dismiss the matter.

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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 be dismissed.

A W A R D

claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD

By Order of Third Division

ATTEST:

A. W. Paulos
Executive Secretary

Dated at Chicago, Illinois, this 21st day of March 1975.