

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20728  
Docket Number SG-20492

Robert A. **Franden**, Referee

(Brotherhood of Railroad Signalmen

**PARTIES TO DISPUTE:** (

(The Long Island Rail Road Company

**STATEMENT OF CLAIM:** Claim of the General **Committee** of the Brotherhood of Railroad Signalmen on the Long Island Rail Road:

Appeal from the discipline imposed on Mr. J. **R. Kearney** as a result of a trial on May 2, 1972.

**OPINION OF BOARD:** This is a discipline case. A procedural **issue** has been raised in that the Carrier has alleged that the appeal from the notice of discipline was not filed within the ten **day** time limit required by **Rule** 60.

The record is clear that the Claimant failed to appeal within the time limit requirement of 60(a):

Rule 60(a)

"(a) **An employe** may appeal from discipline imposed on him if he does so in writing to the Engineer Maintenance of Way within ten days from the date he received notice of the imposition of such discipline, and if he so appeals he shall be given a hearing. When an appeal from discipline is made to the Engineer Maintenance of Way, this appeal shall act as a stay of application of discipline in all cases except **where** the discipline has been dismissal. If the original discipline imposed is upheld upon appeal, in whole or in part, the discipline will then be placed in effect and appeals to higher officers shall not act as a stay."

A discussion of Rule 59 which was raised by the Claimant is not warranted in that said rule deals with investigation procedure. We are here concerned with the proper procedure to be followed on appeal.

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

The the claim is barred.

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 30th day of May 1975.