

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21727
Docket Number MS-21675

Robert W. Smedley, Referee

(H. G. Skidmore

PARTIES TO DISPUTE: (

(Consolidated Rail Corporation
((Former Penn Central Transportation Company)

STATEMENT OF CLAIM: I claim, for identification purposes only, that the rights, rules, privileges and fringe benefits of my employment by and thru certain acts and actions of the Penn Central Transportation Company, the Penn Central Company and or others during the handling and otherwise of my complaints related to:

1. reimbursement for **time, travel** time and expenses to attend hearings, **and**
2. restoration of my full pass rights and privileges on the Hudson and **Harlem** Divisions,

OPINION OF BOARD: The claims submitted to the Third Division in this case involve reimbursement for time and travel expenses which Claimant incurred while handling earlier cases before this Division, Awards 19454 **and** 19524, plus a dispute for restoration of pass privileges on the Hudson and Harlem Divisions, **on** the former New York Central Railroad.

These claims were handled with the Director-Labor Relations and denied by letters dated February 5 and 6, 1973. The notice to the Board was dated December 30, 1975, or approximately thirty-five months later. **Rule** 7-B-1 of the applicable agreement requires that claims and grievances shall be barred unless filed within one year from the date of the highest officer's decision. It is clear from the foregoing that the said claims **were** not handled in compliance with the rule of the collectively bargained agreement **and** must be dismissed.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to **this** dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

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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The Agreement was not violated.

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 29th day of September 1977.

