

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22399
Docket Number MS-22291

Louis Yagoda, Referee

PARTIES TO DISPUTE: (Gary E. Eckenrode
(National Railroad Passenger Corporation

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 **August 31, 1977** covering an unadjusted dispute between me and the National Railroad Passenger Corporation (**Amtrak**) involving the question: **That** any such claim or grievance be **disallowed**, the supervisor **shall**, within sixty (60) days from the date same is filed, notify whoever filed the claim or **grievance** (the employee) in writing of the reasons for such Disallowance. If not so notified, the Claim **or** grievance **shall** be allowed as presented.

OPINION OF BOARD: At the outset **in** this case we are confronted by a contention by **Carrier** that the claim **must** be dismissed because of procedural error **alleged** to have been committed by the **Claimant**.

The claim **in** this case was initially outlined in a letter addressed to **Mr. J. Duncan**, Labor Relations Department. The facts of record **clearly** indicate that Mr. J. Duncan was not Claimant's supervisor. **Claimant** states that he presented his claim to Mr. Duncan because he had previously discussed the **situation** and, "**Our** discussions **made** **Mr. Duncan** the logical **party** to address these issues since he was familiar with the aspects of the violations through these conversations." Claimant **further** argues that he had given his supervisor (Mr. **Dewan**) a copy of the claim letter **addressed** to Mr. Duncan and that should have placed him in compliance with the provisions of Rule **25** which **requires** the presentation of **all** claims or grievances "**to** the supervisor."

!Che supplying of an **informational** copy of the claim letter to Mr. **Dewan** does not meet the Rule **requirement** that the claim "must be presented. in writing by or on behalf of **the employee(s)** involved to the supervisor." It is Claimant's responsibility to be aware of the claim **filing** requirements **contained** in the Rules Agreement.

Accordingly we hold, without reaching any other issue involved herein, that this claim is defective and therefore barred, inasmuch as it was not presented to the authorized Carrier officer within the time limits provided in Rule 25. See Third Division Award Nos. 18371 and 20977.

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 is barred.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. Paulke
Executive Secretary

Dated at Chicago, Illinois, this 27th day of April 1979.