

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award **Number** 22507
Docket **Number** us-22586

John J. Mangan, Referee

PARTIES TO DISPUTE: (V. **H. Hedden** and A. F. Henninger
(Southern Pacific Transportation **Company**
(Pacific **Lines**)

STATEMENT OF CLAIM: "Claim of V. H. Hedden, and A. F. Henninger, members of the Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station **Employees** That:

(a) The Carrier Violated the **rules** agreement, effective September 15, **1971**, particularly Rule 24, (d), and Article III, Section 2 (a) of the **Agreement** of September 16, **1971.**, etc.

(b) That Claimants **V. H. Hedden**, should be allowed Eight **(8)** hours paid for but not worked each date commencing September 23, 24, 25, 26, 27, 30, October 2, 3, and **4**, 1974, and continuing thereafter until violations cease.

(c) That Claimant A. **F. Henninger**, should be allowed Eight **(8)** hours paid for but not worked each **date commencing December** 16, 17, 18, **19**, 20, 23, 24, 26, **27**, 30, and **31, 1974**, and continuing thereafter **until** violations **cease.**"

OPINION OF BOARD: This Board has to overcome a threshold defense **raised** by the Carrier before we can consider the merits of Petitioner's claim. Carrier **argues** that this claim must be dismissed because it was not timely filed in accordance with Rule 24 of the parties' agreement. We have searched the entire record and conclude that the Carrier's position is **sound**. Rule 24 provides that **all** claims and grievances are to be instituted within sixty (60) days "from the date of the occurrence on which the claim . . . is based." Our reading of the record develops that the claim was filed approximately two (2) years from the date of the **alleged** occurrence. We have **no** alternative but to dismiss the claim.

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: G. W. Pauler
Executive Secretary

Dated at Chicago, Illinois, this 17th day of September 1979.