

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number ~~23520~~  
Docket Number MS-234;

Joseph A. Sickles, Referee

PARTIES TO DISPUTE: (Harold G. Karn  
(  
(consolidated Fail 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 March 20, 1980 covering an unadjusted **dispute** between me and **CONRAIL** involving the question:

**That Mr. W. Maliff (Supervisor O&S)** erred in awarding the position advertised by Bulletin M 45 - 78, to Mr. J. Heaphy, and not to me, **Harold G. Karn**

OPINION OF BOARD: The **Carrier** has pointed out that the Claimant failed to **comply** with certain time limits, as specified in the Agreement.

We note specifically that the **Employee** did not present the dispute to this **Board** within the 9 month period mandated in the pertinent Agreement. Accordingly, regardless of the other contentions advocated by the parties, we find that we are without authority to consider the matter, **and** we **will** 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 is barred.

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Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST: *A. W. Paulson*  
Executive Secretary

Dated at Chicago, Illinois, this 29th day of January 1982.

