

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24433
Docket Number SG-24448

Edward L. Suntrup, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(Southern Pacific Transportation Company (Western Lines)

STATEMENT OF CLAIM: "Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Southern Pacific Transportation Company (Western Lines):

On behalf of Signal Maintainer B. R. Dishman, Beaumont, California, three hours at the overtime rate August 21, **1981**, account other **than** signal forces disconnected the track bond wire while changing a piece of rail." (Carrier file: SIG **152-422**)

OPINION OF BOARD: Claimant, Signal Maintainer B. R. Dishman, presented time claim on his second period August semi-monthly time roll for three **(3)** hours overtime rate for August 21, 1980 because "other than signal forces disconnected the track bond wire while changing a piece of rail". After Carrier denial of time claim by notice of September **15**, 1980 the Organization filed a grievance under Rule 60 of current Agreement between the parties on November 19, 1980.

After a review of the record before it, it is the Board's determination that Rule 60 (a) of the current Agreement was contravened by the Organization when it did not file grievance in a timely manner. This Rule reads, in pertinent part, that all claims or grievances must be presented to Carrier within sixty (60) days from the date of the occurrence on which the claim or grievance is based. It is clear from the record before the Board that the November 19, 1980 filing date surpassed this contractually mandated time-limit, thus barring any decision on the merits of the instant case.

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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That the claim is barred.

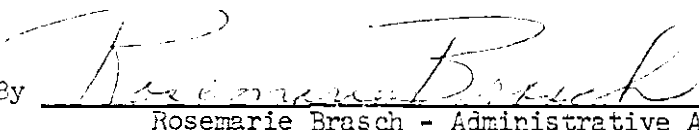
A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: Acting Executive Secretary
National Railroad Adjustment Board

By


Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 15th day of June 1953.

10-1-53