

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24795  
Docket Number MW-24830

Eckehard Muessig, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees  
(  
(Maine Central Railroad Company

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood that:

(1) The Carrier violated the Agreement when it improperly disapproved Charles Ranquist, Jr.'s. and Gary Lewis' application for employment and closed their service records.

(2) The claim as appealed by General Chairman J. J. Lattanzio on May 26, 1981 to Manager-Labor Relations J. E. Hamilton shall be allowed as presented because said claim was not disallowed by Manager-Labor Relations Hamilton in accordance with Rule 45.

(3) As a consequence of either or both (1) and/or (2) above, Claimants Charles Ranquist, Jr. and Gary Lewis shall be reinstated with seniority and all other rights unimpaired and they shall be compensated for all wage loss suffered beginning September 28, 1979."

OPINION OF BOARD: The Claimants herein were notified by identical letters that their application for employment had been rejected and that their services for the Carrier would be severed, effective with the close of work on September 28, 1979. Shortly thereafter, as shown in the record before us, the parties engaged in correspondence and held meetings with respect to application of the probationary rule in the instant case.

With respect to the advancement of a specific appeal relating to the dismissals, the written record is void of such until well after sixty (60) days following the occurrence on which the claims are based.

The Organization vigorously argues that it had an understanding that the cases would be stayed pending an interpretation of the probationary rule. However, absent evidence of record that there was an agreement to stay the time limit requirements of the controlling Agreement, the Board must deny 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;



Award Number 24795  
Docket Number MW-24830

Page 2

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

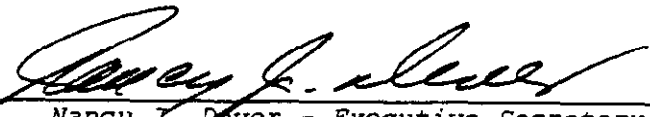
That the Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

  
Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 30th day of April, 1984