

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24805
Docket Number MS-25001

Eckehard Muessig, Referee

PARTIES TO DISPUTE: (A. J. McCullough
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(Chicago and Western Indiana Railroad Company

STATEMENT OF CLAIM: "This is to serve notice, as required by the rules of the National Railroad Adjustment Board, my intention to file an ex parte submission on Jan. 30, 1983 covering an unadjusted dispute between me and the Chicago and Western Ind. Railroad involving the question:

-CLAIM-

It is my claim that the Carrier acted with unwarranted harshness in dismissing me on Dec. 10, 1981.

The dismissal was for allegedly being asleep while on duty, for 58 minutes, without one delay to a single train.

Therefore, it is my claim that the Carrier restore me to service immediately, with my seniority and all other rights unimpaired; that I be compensated for all time lost due to my improper discharge from service, at straight time and potential overtime; that my record be cleared of the charges and discipline brought against me, and for any month in which claim is here made for compensation on my behalf, the Carrier shall also make premium payments in the appropriate amounts as required under Travelers Group Policy GL-23000 and Aetna Dental Plan GP-12000 as amended, for all benefits prescribed in such contracts. Time lost payments will be determined by a joint check of the Carrier's records."

OPINION OF BOARD: The parties' Agreement contains provisions with respect to the appeal and claim process and establishes time limits relevant to the significant steps and procedures to be utilized under the employe protective provisions of the Agreement.

In this case, the Claimant, who had been dismissed, did not properly present his claim and did not do so within the required time periods. Accordingly, the Board has no jurisdiction to consider the merits of the case. --

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 Employes involved in this dispute are respectively Carrier and Employes 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

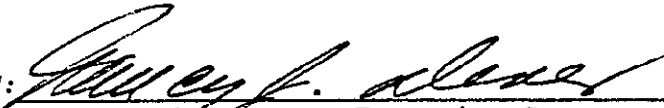
That the claim is barred.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:


Nancy J. Dever - Executive Secretary

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

