

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 26061  
Docket Number MS-26315

John W. Gaines, Referee

PARTIES TO DISPUTE: (James Mack Stout  
(  
(Consolidated Rail Corporation

STATEMENT OF CLAIM:

"Send (sic) home unjustly from Ashtubula, Ohio Rail Gang 210, was told according to the computer I'm 84 years old and couldn't be paid by T. W. Smallwood Production Engineer in person at Ashtubula, Ohio October 17, 1984 9:45 AM."

OPINION OF BOARD: On April 30, 1984, Claimant placed a Claim with Carrier for immediate reinstatement from his dismissal. Carrier by letter dated June 4, 1984, denied the Claim.

Rule 26(b) of the Agreement specifies that a denied claim is closed unless Claimant complies by timely listing it for discussion with the Manager-Labor Relations. But Claimant has failed to comply under 26(b).

Next, Rule 26(c) specifies that a claim being progressively denied is closed unless Claimant further complies by timely listing it for discussion with the Senior Director-Labor Relations. But Claimant has failed to comply under 26(c).

The time for procedural compliance in having discussions on the property has long since expired.

Because of Claimant's failure to progressively handle the Claim by the Rules of Procedure this Claim is now barred, which precludes us from considering the merits.

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

That the Claim is barred.

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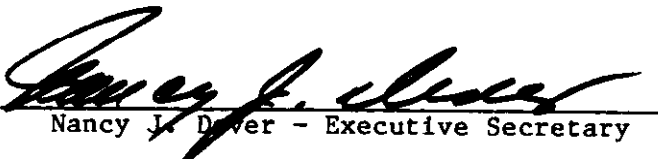
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Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest:

  
Nancy J. Dover - Executive Secretary

Dated at Chicago, Illinois, this 8th day of July 1986.

