

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Award No. 27157
Docket No. MS-27423
88-3-86-3-620

The Third Division consisted of the regular members and in addition Referee Charlotte Gold when award was rendered.

(James McCraney and David E. Salvino
PARTIES TO DISPUTE: (
(Burlington Northern Railroad Company

STATEMENT OF CLAIM: "James McCraney was discriminated against when the Carrier (Burlington Northern Railroad) administered grave difference in discipline between Mr. McCraney and R. D. Brawner, J. G. Zavala, and F. Avalos under the same circumstances of improper filing of labor distribution."

FINDINGS:

The Third Division of the Adjustment Board upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employees involved in this dispute are respectively carrier and employes within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute were given due notice of hearing thereon.

The facts of this case are on all fours with those in Third Division Award 27155. As we noted there, this Division lacks jurisdiction because of a major procedural defect in the filing of the claim, to wit, the failure of Claimant to comply with the time limit provisions of the Agreement. As in that instance, the case must be dismissed.

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 23rd day of June 1988.