

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

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(The Atchison, Topeka and Santa Fe Railway Company

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

(1) The Carrier violated the Agreement when it improperly closed the service record of Mr. J. Taylor (System File 170-2-8513/11-960-40-57).

(2) Mr. J. Taylor shall be returned to service with seniority and all other rights unimpaired and he shall be compensated for all wage loss suffered."

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 waived right of appearance at hearing thereon.

On May 11, 1984, Claimant, a member of the System Steel Gang on furloughed status, was recalled to service. He was instructed to report for duty on May 28, 1984. Because he did not report on that date or within fifteen calendar days from the date of notification of recall, Carrier concluded that he had forfeited his seniority pursuant to Rule 2(c) (Retention of Seniority), Rule 4 (Force Increases), and Appendix No. 20, Section 4. On May 29, 1984, he was sent a certified letter, return receipt requested, to that effect. Claimant signed a receipt for the letter.

On June 13, 1985, a claim was presented on behalf of Claimant for reinstatement to the roster and payment for time lost. When denied on the property, it was advanced to the Board for final determination.

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88-3-86-3-690

The Board, however, is barred from a consideration of this claim because of a major procedural defect in its filing. Rule 14(a)(1) of the parties' Agreement requires that claims be filed within 60 days from the date of the occurrence of the incident or event triggering the claim. The instant claim was not filed until thirteen months after that event. Under these circumstances, the claim 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.