

The Third Division consisted of the regular members and in addition Referee Peter R. Meyers when award was rendered.

(J. E. Dame

PARTIES TO DISPUTE: (

(CSX Transportation, Inc. (formerly the Chesapeake and Ohio Railway Company)

STATEMENT OF CLAIM:

"This letter is protesting the combined Roster of Train Dispatchers in the Jacksonville, FL office showing that the seniority date for J. A. Foshee is August 14, 1981. Mr. Foshee forfeited his seniority as the attached letters indicate on July 17, 1985 and established his new seniority date on July 21, 1985.

With this forfeiture of J. A. Foshee seniority. I am also protesting the Birmingham Train Dispatchers Seniority Roster, as it shows J. A. Foshee seniority age as August 14, 1981 not July 21, 1985."

FINDINGS:

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

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employees 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.

Claimant was employed as a train dispatcher.

As Third Party in Interest, the American Train Dispatchers Association was advised of the pendency of this dispute, but chose not to file a Submission with the Division.

The issue in this case concerns the proper posting of Train Dispatcher J. A. Foshee's seniority date by the Carrier into the records of its Jacksonville, Florida, train dispatching office when it consolidated several of its train dispatching offices into the Florida office, which included the Evansville, Indiana, office where Foshee had most recently worked. The Claimant contends that seniority date as posted in the Florida office should be the date he transferred to the Evansville, Indiana, office from the Birmingham, Alabama office, and not the seniority date he established in Birmingham.

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Docket No. MS-28672
92-3-89-3-24

The Claimant filed his protest on February 10, 1988. The alleged wrongdoing took place in January 1986, and January 1987.

Under the Rules, seniority rosters are open to protest for only a sixty-day period following the date of issuance. Therefore, the claim was not filed in a timely fashion.

Numerous Awards have held that claims regarding seniority rosters must be timely filed in accordance with the Rules. See Second Division Awards 11104 and 11171. It is not a continuing violation. See Second Division Award 10667. Hence, this claim was invalid from the time of its inception. Therefore, the claim must be denied.

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 28th day of February 1992.