

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Award No. 32649
Docket No. SG-33597
98-3-97-3-34

The Third Division consisted of the regular members and in addition Referee Gerald E. Wallin when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(CSX Transportation, Inc. (former Seaboard Coast Line
(Railroad Company)

STATEMENT OF CLAIM:

“Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the CSX Transportation Company (former Seaboard Coast Line):

Claim on behalf of S. E. Griffin for payment for all time lost as a result of his suspension from service in connection with an investigation conducted on January 17, 1996, and for his record to be cleared of any reference to this matter, account Carrier violated the current Signalmen's Agreement, particularly Rule 47, when it did not provide the Claimant with a fair and impartial investigation and assessed harsh and excessive discipline against him in this matter. Carrier also violated Rule 47 when it failed to furnish the notice of discipline within 20 days after the investigation. Carrier's File No. 15(96-64). BRS File Case No. 10211-SCL.”

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 employee 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.

This record presents a procedural issue as a threshold matter. Carrier issued its disciplinary decision and furnished a copy of the Investigation transcript to Claimant on February 5, 1996. Due to an error, the Organization filed an appeal under the wrong name on February 21, 1996. Even though the error was realized by March 1, 1996, which was still within the appeal time limits, no proper appeal was taken in writing as required by Rule 47(c).

Having not been handled in the normal manner on the property, we have no choice but to dismiss the claim. Notwithstanding the procedural defect, the merits of the discipline do not support sustaining the claim.

AWARD

Claim dismissed.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division**

Dated at Chicago, Illinois, this 20th day of July 1998.