

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 40911
Docket No. SG-40739
11-3-NRAB-00003-080617**

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
(Grand Trunk Western Railroad

STATEMENT OF CLAIM:

“Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Canadian National (formerly Grand Trunk Western):

Claim on behalf of All Signal and Communication employees on the CN/GTW, for payment of bonuses due, account Carrier violated Article X - Gains Sharing Program (May 3, 1999) when it refused to send out the informational criteria package on the established gain sharing program prior to the first quarter of 2007 and failed to distribute a gain share bonus payment in the first quarter of 2007 to employees participating in the established gain sharing program for the year 2006. Carrier’s File No. GTW.135.107.1. General Chairman’s File No. 07-02-GTW. BRS File Case No. 14083-GTW.”

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.

The instant dispute confronts the Board with a procedural issue that must be addressed as a threshold matter before the merits of the claim can be reached. From the Statement of Claim quoted above, it can be seen that the Organization's claim alleges, at least in part, that the Carrier violated the Agreement "... when it refused to send out the informational criteria package on the established gain sharing program prior to the first quarter of 2007." The first quarter of 2007 began on January 1, 2007. The claim was not filed until April 13, 2007, which was the 103rd day of the year and more than 60 days after the first quarter of 2007 began. Rule 43 of the parties' Agreement requires that all claims, to be valid, must be filed within a 60-day time limit. Under the circumstances, we are compelled to find that the instant claim was not filed timely in compliance with the applicable Rule. Therefore, we must dismiss the claim without reaching the merits.

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 10th day of March 2011.