

Award No. 8384

Docket No. MS-10252

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

EVALYN MAHONEY

CHICAGO AND NORTH WESTERN RAILWAY COMPANY

STATEMENT OF CLAIM:

(1) The undersigned (Evalyn Mahoney) hereby serves written notice of intention to file a submission 30 days from date this notice is given.

(2) Dispute in question is my employment relation to C&NW R.R. and Back Pay for Time the Railroad and the Union Order of Railroad Telegraphers have not furnished me work to which I was entitled.

(3) Copy of this notice has been mailed to the Chief Operating Officer of the C&NW R.R.

OPINION OF BOARD: The record discloses that this claim arose in 1932, and that final declination of it was rendered by Carrier's Assistant to President, Carrier's highest officer designated to handle such disputes on the property, on July 22, 1937. It was appealed to this Division of the National Railroad Adjustment Board on March 6, 1958, which was not in accord with the requirement of Section 2, of Article V, of the August 21, 1954 National Agreement, to which the Telegraphers and this Carrier were signatory, i.e., within twelve (12) months after January 1, 1955, the effective date of that Article. There was no agreement to extend the time limits set forth in this Article V.

It is clear, therefore, that this claim has been filed out of time.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

That the Carrier and the Employee involved in this dispute are respectively carrier and employee within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the Claim is barred.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: A. Ivan Tummon
Executive Secretary

Dated at Chicago, Illinois, this 27th day of June, 1958.