

Award No. 10573

Docket No. CL-10462

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

UNITED TRANSPORT SERVICE EMPLOYEES

**THE NEW YORK CENTRAL RAILROAD COMPANY,
EASTERN DISTRICT
(EXCEPT BOSTON AND ALBANY DIVISION)**

STATEMENT OF CLAIM: Carrier violated the current Agreement, (February 1, 1940) when in the first half of November, 1956, all Red Cap jobs were abolished at Carrier's 125th Street Station in New York City.

Carrier further violated the above mentioned agreement when they permitted Train Announcers, Gatemen, Cleaners and Baggage men in their employ, to perform the duties of Red Caps, and permitted them to retain whatever monies they received from the passengers.

Claim is that such work be returned to Red Caps, and all Red Caps who have been injured, be compensated for all time lost since carrier abolished their jobs.

OPINION OF BOARD: Prior to November 12, 1956, three Red Caps were employed at Carrier's 125th Street Passenger Station, New York City. Effective that date, Carrier abolished these positions. By letter dated December 20, 1956, the then General Chairman protested this abolishment, and claim was filed and appealed through the usual channels up to and including the Assistant General Manager Labor Relations, Carrier's highest officer designated to handle such claims, who denied the claim under date of February 13, 1957.

Rule 8 (g) provides that an appeal must be made from the decision of the highest officer designated to handle claims "to an adjustment board under and in accordance with the provisions of Section 3 of the amended Railway Labor Act within 30 calendar days from the date of said decision. When not so appealed the grievance or claim shall be deemed finally disposed of." The record shows that Carrier's highest officer notified the Organization's General Chairman on February 3, 1958 that the claim was finally disposed of because no appeal had been made to "an adjustment board" within the specified period.

The instant claim was not submitted to this Board until February 27, 1958, which was over a year after the claim had been denied. Consequently, we have no alternative but to dismiss the claim without considering its merits.

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

That the parties waived oral hearing;

That the Carrier and the Employees involved in this dispute are respectively Carrier and Employees 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: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 27th day of April 1962.