

Award No. 10997
Docket No. MS-13406

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

R. L. HUNTER

THE PULLMAN COMPANY

STATEMENT OF CLAIM: Claim that R. L. Hunter was unlawfully and without just and sufficient cause, discharged on the 19th day of September, 1961, and has since been unlawfully withheld for service. He claims the right to be reinstated to the position of Porter with pay for all time lost by reason of said unlawful discharge, less earnings from outside employment.

OPINION OF BOARD: This is a discipline case in which claimant was dismissed for cause effective September 19, 1961. His dismissal was appealed under date of October 5, 1961; conference on the appeal was held October 24, 1961, and the appeal was denied by Carrier on October 31, 1961. Thereafter, proceedings were not instituted before this Division within sixty days in accordance with Rule 53 of the parties' Agreement. Consequently, the claim is not properly before us and must be dismissed as barred.

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 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: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois this 19th day of December 1962.