

Award No. 11051

Docket No. DC-12864

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

David Dolnick, Referee

PARTIES TO DISPUTE:

JOINT COUNCIL DINING CAR EMPLOYES, LOCAL 456

SOUTHERN PACIFIC COMPANY (PACIFIC LINES)

STATEMENT OF CLAIM: Claim of Joint Council Dining Car Employees, Local 456, on the property of the Southern Pacific Railroad Company, for and on behalf of Waiter Carl J. Woods, that claimant be restored to service with seniority and vacation rights unimpaired and compensated for net wage loss, account of Carrier dismissing claimant from service on September 20, 1960, in violation of the effective agreement.

OPINION OF BOARD: This is a discipline case involving the dismissal from service of Dining Car Waiter Carl J. Woods.

The controlling Agreement between the parties in this case contains Rule 25(i) which provides:

"If further handling is desired, following decision, as provided in Section (h) of this rule, the proceedings must be instituted within ninety (90) days from the date of such decision, otherwise the case will be considered as closed."

The record in this case shows decision of dismissal by the Manager on November 9, 1960, while the notice of intent to file this dispute with the Third Division was dated July 25, 1961, obviously in excess of the time limit provided for in Rule 25(i).

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 by terms of the Time Limit Rule.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 23rd day of January 1963.