

Award No. 13307

Docket No. MSX-14906

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Daniel Kornblum, Referee

PARTIES TO DISPUTE:

DELMAR V. RITTLE

RAILWAY EXPRESS AGENCY, INC.

STATEMENT OF CLAIM: Now comes D. V. Rittle individual and claims reinstatement to position of employe of R E A Express in Ft. Lauderdale, Florida office with seniority dating to November 20, 1956. And further that wage income that was lost due to discrimination of D. V. Rittle be awarded. And further, that costs of submission to Adjustment Board be awarded in the sum of \$9,550.00 representing 950 hours spent in learning and preparation of the submission, plus typing and printing costs.

See Donnelly V United Fruit 190 A2nd 825

OPINION OF BOARD: A review of the entire record in this docket shows that only two claims were appealed by the Petitioner to the highest official of the Carrier designated to handle disputes. One was denied by the Carrier on May 16, 1957, and the other on July 1, 1957. The Petitioner delayed filing notice with this Division of intention to file an ex parte submission until February 28, 1964.

The Railway Labor Act contemplates the expeditious handling of claims and grievances. This Division has consistently held that parties may not delay for an unreasonable period of time the progression of disputes to the Board. (Awards 4941, 6229, 8162, 9788, 10020, 10544, 13239.) Adherence to this principle precludes our consideration at this late date of the claims that were denied by the Carrier approximately six and one-half years prior to the Petitioner filing notice of intent to file ex parte submission with this Board.

In his submission the Petitioner alleges violations other than the two denied by the Carrier in 1957; however, the record is conclusive that these further alleged violations were never appealed to the highest official of the Carrier designated to handle disputes in accordance with the provisions of Section 3, First (i) of the Railway Labor Act. These alleged violations must, therefore, be dismissed for failure to comply with the procedural requirements of the Act and the provisions of Circular No. 1 issued pursuant thereto. (Awards 12193, 11910, 11346, 11212, 11182, 10844.)

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 Employes involved in this dispute are respectively Carrier and Employes within the meaning of the Railway Labor Act, as approved June 21, 1934.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 17th day of February, 1965.