

Award No. 15504

Docket No. MS-15284

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

Herbert J. Mesigh, Referee

**PARTIES TO DISPUTE:**

**MAX M. PIERCE**

**NEW YORK CENTRAL RAILROAD  
(Southern District)**

**STATEMENT OF CLAIM:** Max M. Pierce claims discrimination in filling Job No. 43 by the Division Engineer, Mattoon, Illinois, New York Central Railroad. A dispute arising over the failure to award Job No. 43 to Max M. Pierce had filled this job at previous times for vacation purposes, etc.

At the time the job was awarded, it was claimed that he did not have the qualifications.

**OPINION OF BOARD:** The record reveals that Claimant did not appeal his claim to this Board within the nine (9) months provided in Section 1 (c) of Article V of the National Agreement dated August 21, 1954, reading, here pertinent, as follows:

" \* \* \* All claims or grievances involved in a decision by the highest designated officer shall be barred unless within 9 months from the date of said officer's decision proceedings are instituted by the employe or his duly authorized representative before the appropriate division of the National Railroad Adjustment Board \* \* \*."

Under these circumstances, the Board has no alternative than to dismiss the Employee's claim.

**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 Employes involved in this dispute are respectively Carrier and Employes 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 in accordance with the Opinion.

**AWARD**

**Claim dismissed in accordance with the Opinion and Findings.**

**NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of THIRD DIVISION**

**ATTEST: S. H. Schulty  
Executive Secretary**

**Dated at Chicago, Illinois, this 21st day of April 1967.**