

Award 16246
Docket MS-17148

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

John J. McGovern, Referee

PARTIES TO DISPUTE:

RONALD L. DISCISCIO

**NEW YORK CENTRAL RAILROAD, EASTERN DISTRICT,
BOSTON AND ALBANY DIVISION**

STATEMENT OF CLAIM: "Notice is hereby given that the above claimant intends to file a claim for severance pay by virtue of the abolition of his job by the above carrier and the failure of said carrier to provide adequate or suitable alternative employment.

"Claimant was employed as a machine operator in Employer's grain elevator in East Boston, Massachusetts whereat he used machines to move and unload railroad boxcars.

"Claimant intends to file an 'Ex Parte Submission' on or before April 15, 1967.

"Claimant hereby requests from Carrier a copy of the collective bargaining agreement governing the employment relation here involved."

OPINION OF BOARD: A review of the record shows conclusively that the claim that the Petitioner attempts to submit to this Board has not been handled on the property in accordance with the mandatory requirements of the time limit provisions of Rule 45 - 1 (a) (Time Limits — Claims and Grievances); Section 3, First (i) of the Railway Labor Act, as amended, and Circular No. 1 of the National Railroad Adjustment Board. The claim is, therefore, barred and will be dismissed.

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 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 18th day of April 1968.