

Award No. 16446
Docket No. CL-17433

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

John H. Dorsey, Referee

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY, AIRLINE AND STEAMSHIP
CLERKS, FREIGHT HANDLERS, EXPRESS AND
STATION EMPLOYEES**

WESTERN WEIGHING AND INSPECTION BUREAU

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-6366) that:

(1) The Bureau violated the rules of the Clerks' Agreement at Houston, Texas, when on August 12, 1966, it suspended Mr. T. Daniel, and on August 24, 1966, dismissed him from the service of the Western Weighing & Inspection Bureau, depriving him the right to perform his duties; and

(2) Bureau shall now be required to restore Mr. Daniel to its service with all rights unimpaired, including vacation rights, and compensate him for all salary loss sustained retroactive to August 15, 1966, and for each work day thereafter until the violation is corrected.

OPINION OF BOARD: The record shows that this claim was progressed by the Organization to and including the Carrier's highest appeals officer, and was subsequently withdrawn and cancelled by the Organization on November 15, 1966. Proceedings were instituted before this Division by the Organization's letter of September 5, 1967.

Carrier objected to our consideration of the merits on the ground that the claim is barred by Article V, Paragraph (c), of the August 21, 1954 Agreement.

See Awards 13253, 13254 and 14171, among others. Since the Organization did not institute proceedings here within nine (9) months the claim is barred, and will be dismissed.

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.

AWARD

Claim dismissed.

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

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 21st day of June 1968.