

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Arthur W. Devine, Referee

PARTIES TO DISPUTE:

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

**CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC
RAILROAD COMPANY**

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-6357) that:

1. Carrier violated the rules of the Clerks' Agreement at Minneapolis, Minnesota, when it failed to comply with the procedural requirement for the handling of discipline and grievance cases as established and provided in Rule 22 of that Agreement.
2. Carrier further violated the Agreement when following investigation with employe James Flowers, it dismissed him from service on charges which were never properly filed or proven.
3. Carrier shall be required to clear the record of the alleged charges; restore employe James Flowers to service on Head Janitor Position No. 1303 at Minneapolis, Minnesota with seniority and all other rights unimpaired, and compensate him for all wage losses suffered from March 13, 1966 until he is restored to service.

OPINION OF BOARD: The Claimant herein was dismissed from service of the Carrier on April 7, 1966.

The record establishes that the claim in behalf of Claimant was not presented to the officer of the Carrier authorized to receive same, the Stationmaster at Minneapolis, until July 5, 1966, or 88 days from the date of the occurrence on which the claim is based. We find, therefore, that the claim has not been properly handled in accordance with the provisions of Section 1(a) of Article V of the Agreement of August 21, 1954, and is barred. See Award 16014 involving the same parties and others cited therein.

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 30th day of October 1968.