



Award No. 17265

Docket No. MS-18120

NATIONAL RAILROAD ADJUSTMENT BOARD

**THIRD DIVISION
(SUPPLEMENTAL)**

Arthur W. Devine, Referee

PARTIES TO DISPUTE:

CATHERINE CHINCHILLA

**THE CHESAPEAKE AND OHIO RAILWAY COMPANY
(PERE MARQUETTE DISTRICT)**

STATEMENT OF CLAIM: Now comes Catherine Chinchilla, of 655 Linden Ave., New Kensington, Pa., on this 20th day of January, 1969, Comptometer Operator #42, Chesapeake & Ohio Railway Company, Auditor of Expenditures, Northern Region, Detroit, Michigan, and presents unto this Executive Secretary, S. H. Schulty, Third Division, National Railroad Adjustment Board, Chicago, Illinois, the following:

Back Wages, March 16, 1962 through July 15, 1963.

Severance, July 15, 1963.

Unemployment Compensation, March 16, 1962 through June 23, 1962.

Friday, March 16, 1962, Assist. Aud. of Expend. and local chairman called me into conference room and asked, "Did you write a letter to Mr. Cahill accusing certain people of certain accusations?" This was a wide-range question and could have meant anyone and any accusation, therefore, I did not answer.

Because of this I was suspended by asst. aud. of expend. Next day a letter came from asst. aud. of expend. stating I was withheld from service pending a special medical exam.

This suspension and withholding from service was erroneous because I was not sick at work, nor sick at work. I was willing and able to work and telephoned asst. aud. of expend. and local chairman that I was available for work immediately. I was sent home while I was working. This personal question did not concern my work.

Unemployment compensation: The reason for benefits disqualification was, "I was looking for Railroad Work and not work outside the railroad." I maintain that looking for Railroad work was looking for employment and, therefore, I was available for employment and claim 3-16-62 thru 6-23-62.

OPINION OF BOARD: A review of the record shows conclusively that the claims that the Petitioner attempts to submit to this Board for

back wages, March 16, 1962, through July 15, 1963, and for severance July 15, 1963, have not been handled on the property or appealed to this Board in accordance with the mandatory requirements of Rule 23—the applicable Time Limit Rule. They are, therefore, barred and will be dismissed. The claim for unemployment compensation, March 16, 1962, through June 23, 1962, does not come within the jurisdiction of this Board and will also 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 involving back wages March 16, 1962 through July 15, 1963 and for severance July 15, 1963; and

That the claim will be dismissed.

A W A R D

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 June 1969.