



Award Number 17693

Docket Number MS-18395

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

John J. McGovern, Referee

PARTIES TO DISPUTE:

MR. HAROLD COLEMAN

CHICAGO AND NORTH WESTERN RAILWAY COMPANY

STATEMENT OF CLAIM: Written notice is hereby served by Mr. Coleman to file ex parte submission thirty days from May 23, 1969 in dispute between myself and the Chicago and North Western Rail Road Co. as follows:

Because of unfair dismissal from work as Red Cap. I was at work, when the Railroad claims I was not there.

A copy of this memorandum has been given to:

Mr. W. J. Fremon
Director of Labor Relations
Chicago and North Western R. R. Co.
400 West Madison Street
Chicago, Illinois.

OPINION OF BOARD: A review of the record shows conclusively that this claim has not been handled on the property in accordance with the mandatory requirements of the time limit provisions of Article 14 (c) of the applicable agreement, 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, 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.

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 January 1970.