



Award No. 18614

Docket No. SG-18946

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Arthur W. Devine, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF RAILROAD SIGNALMEN

**PENN CENTRAL TRANSPORTATION COMPANY
NORTHEASTERN REGION, SPRINGFIELD DIVISION**

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Penn Central Transportation Company (former Boston and Albany Railroad; New York Central Railroad Co., Lessee):

On behalf of Mr. R. J. Tarte, that the Carrier's charges of May 27, 1969 be dismissed, his record cleared of discipline assessed June 11, 1969, and he be paid for all lost time, including overtime he would have earned had he not been out of service.

(Carrier's File: 114-B (SG 69.8))

OPINION OF BOARD: In its submission to this Board the Petitioner contends that the Carrier violated Article V of the Agreement of August 21, 1954, in failing to notify the Claimant within sixty days of the date claim was appealed to Carrier's Superintendent Labor Relations, in writing, of the reason for disallowance, and that the claim should be allowed as presented.

A review of the Record shows that no contention was made in the handling of the dispute on the property concerning an alleged violation of Article V of the Agreement of August 21, 1954. It is well settled that time limit issues under Article V must be raised on the property and cannot be raised for the first time before the Board. See Decisions 5, 10, 17, 22 and 23 of the National Disputes Committee, and Awards 17591, 15913, 15907, 15798, 15392, 16727, among others. As the time limit issue was not timely raised, we must hold that it was waived by the Petitioner, and as this is the only contention of the Petitioner before the Board, the Board has no alternative but to dismiss the claim.

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 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 will be dismissed.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: E. A. Killeen
Executive Secretary

Dated at Chicago, Illinois, this 23rd day of June 1971.