

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19785  
Docket Number MS-19925

Joseph A. Sickles, Referee

(R. G. Whittington

PARTIES TO DISPUTE: (

(The Chicago Union Station Company

STATEMENT OF CLAIM: This letter is to let you know that within 30 days after you receive this letter I will submit 15 copies of my dispute between the Chicago UNION Station and I, which is my being dismissed without proper legal grounds acted upon by the carrier in question. I was fired without an investigation which is my legal right under present union law (Brotherhood of Railway Clerks - local 342 - Wm. B. Murphy, General Chairman). I will show that I was intentionally ignored by the Chicago UNION Station Company, and that all of my medical and sickleave were in fact dismissed by the management.

OPINION OF BOARD: This dispute concerns Claimant's absence from his employment commencing in the Summer of 1970. A review of the entire record shows numerous assertions concerning the cause of the absence, basis for termination, misunderstanding of employment status, reasons for non-attendance at a hearing, etc. Although no specific finding is made in this regard, if Claimant were given the benefit of all doubts, and all conflicts in the record were to be resolved in his favor, it appears obvious that by at least April, 1971, Claimant was fully advised that he was considered by the Carrier as having been dismissed from service. As of that time, at the very latest, time limits for processing claims or grievances began to run; yet Claimant failed to process the matter as required by the applicable Rule.

Accordingly, a review of the record in this docket clearly shows that the Claim Petitioner is attempting to assert before this Board was not handled on the property of the Carrier in accordance with the provisions of the applicable collective bargaining agreement and as required by Section 3, First (1) of the Railway Labor Act and Circular No. 1 of the National Railroad Adjustment Board. Therefore, the claim is barred from consideration by the Division and will be dismissed.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

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;

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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:

  
Executive Secretary

Dated at Chicago, Illinois, this 25th day of May, 1973.