

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20165
Docket Number MS-20300

Joseph A. Sickles, Referee

(Veronica Dolan

PARTIES TO DISPUTE: (

(Canadian Pacific Limited

STATEMENT OF CLAIM: This is to serve notice, as required by the rules of the National Railroad Adjustment Board, of my intention to file an ex parte submission on July 18, 1973 covering an unadjusted dispute between me and the Canadian Pacific Rail Company involving the question:

The payment of shortages by me, the employee for ticket sale shortages. These shortages were not voluntarily made by me, the employee; and yet I was asked to pay these shortages in cash from my own money. Canadian Pacific said there was no way they could deduct these shortages from my paycheck because they had no computer code for this type of deduction. I wish to know whether it is legal under federal law for Canadian Pacific to ask me to repay these shortages out of my own pocket. The Department of Labor & Industries advised me not to pay these shortages out of my own money as this would be an admission that I had purposely caused these shortages. Also, I wish to know why the books were not first audited by the home office in Montreal before we were asked to pay shortages.

OPINION OF BOARD: Claimant disputes Carrier's method of obtaining a repayment of cash shortages.

On June 18, 1973, Claimant served notice to this Board of intention to file an ex parte Submission. A review of the Docket demonstrates that Claimant never presented a grievance to Carrier under the applicable agreement, nor did she attempt, in any manner, to handle the dispute on the property. The claim, therefore, was not handled as required by Section 3, First (i) of the Railway Labor Act and Circular No. 1 of this Board. See Award 19785 of this Referee, and Award 19728 (Lieberman).

Moreover, a question of the Jurisdiction of this Board may be raised at any time during the course of the proceedings. See Awards 16786 (Zumas) and 18322 (Dorsey).

The claim is barred from consideration by this Board and will be dismissed.

Award Number 20165
Docket Number MS-20300

Page 2

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:

A. W. Pauls
Executive Secretary

Dated at Chicago, Illinois, this 28th day of February 1974.