

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20251  
Docket Number MS-20251

Joseph A. Sickles, Referee

PARTIES TO DISPUTE: (Richard H. Nicgorski  
(George P. Baker, Richard C. Bond, and Jervis  
( Langdon, Jr., Trustees of the Property of  
( Penn Central Transportation Company, Debtor

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 (30 days from date of this notice) covering an unadjusted dispute between myself and the Penn Central involving the question:

As, a member of B.R.A.C. Local 726 can a person (my self) be denied the right to mark off sick? Be denied my rate of pay under the merger protection agreements? and charged with a cause to keep from paying me a protective rate without a fair and impartial hearing? No trial. No investigation. No cause proven. May 5, 1969. Not permitted to bump positions G16 and F577? What was my protective rate prior May 5, 1969?

OPINION OF BOARD: The claim was denied in 1970. Approximately two and one-half (2½) years later, Claimant submitted the matter to this Board.

The applicable Agreement requires that claims or grievances shall be barred unless within one year proceedings are instituted before an appropriate Adjustment Board. See Rule 7-B-1(i).

We are unable to consider the merits of this dispute, because the claim must be dismissed on a "time limit" question. See Awards 16446 (Dorsey), 16329 (Heskett), 15924 (Ives) and 14171 (Wolf).

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

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That the claim will be dismissed.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST: A. W. Paulson  
Executive Secretary

Dated at Chicago, Illinois, this 17th day of May 1974.