

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20253
Docket Number MS-20318

Joseph A. Sickles, Referee

PARTIES TO DISPUTE: (Leonard L. Shivler
(
(George P. Baker, Richard C. Bond, and Jarvis
(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 February 28, 1973 covering an adjusted dispute between myself and the Penn Central Transportation Company, involving the question:

Under the merger protective agreement, am I a protected employee for services rendered between February 7, 1965 and the present date.

OPINION OF BOARD: The record shows a purported resolution of the claim in April, 1969.

Almost four (4) 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. Paulus
Executive Secretary

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