

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20582  
Docket Number MS-20637

Robert A. Franden, Referee

PARTIES TO DISPUTE: (Douglas P. Taylor  
(  
(The Atchison, Topeka and Santa Fe Railway Company  
( - Western Lines -

STATEMENT OF CLAIM:

1. Douglas P. Taylor was wrongfully discharged from his employment with the Atchison, Topeka and Santa Fe Railway Company on August 11, 1971.
2. Douglas P. Taylor has been wrongfully denied benefits provided for in Article 3, Section (3) of the Implementation Agreement dated April 6, 1971, between the Atchison, Topeka and Santa Fe Railway Company - Western Lines and its employees represented by the Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees under the provisions of Article III of mediation agreement number A-7128 dated February 7, 1965.

OPINION OF BOARD: A review of the record reflects that this claim was not processed on the property in accordance with the claim procedures set out in the appropriate Rules of the Clerks Agreement with the Carrier. The Agreement provides for a sixty (60) day time limit within which the claim must be presented to the Carrier officer authorized to receive same. This was not done.

Further Section 3, First (i) of the Railway Labor Act, as amended, states that as a condition precedent to an appeal to this Board, disputes must be handled on the property "in the usual manner up to and including the chief operating officer of the Carrier designated to handle such disputes".

Because of the procedural defects set out above, the claim is barred from consideration.

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. Paulsen  
Executive Secretary

Dated at Chicago, Illinois, this 17th day of January 1975.