

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21727  
Docket Number MS-21675

Robert W. Smedley, Referee

PARTIES TO DISPUTE: (H. G. Skidmore  
(  
(Consolidated Rail Corporation  
( (Former Penn Central Transportation Company)

STATEMENT OF CLAIM: I claim, for identification purposes only,  
that the rights, rules, privileges and fringe  
benefits of my employment by and thru certain acts and actions of the  
Penn Central Transportation Company, the Penn Central Company and or  
others during the handling and otherwise of my complaints related to:

1. reimbursement for time, travel time and expenses to  
attend hearings, and
2. restoration of my full pass rights and privileges  
on the Hudson and Harlem Divisions,

OPINION OF BOARD: The claims submitted to the Third Division in this  
case involve reimbursement for time and travel  
expenses which Claimant incurred while handling earlier cases before this  
Division, Awards 19454 and 19524, plus a dispute for restoration of pass  
privileges on the Hudson and Harlem Divisions, on the former New York  
Central Railroad.

These claims were handled with the Director-Labor Relations  
and denied by letters dated February 5 and 6, 1973. The notice to the  
Board was dated December 30, 1975, or approximately thirty-five months  
later. Rule 7-B-1 of the applicable agreement requires that claims and  
grievances shall be barred unless filed within one year from the date of  
the highest officer's decision. It is clear from the foregoing that the  
said claims were not handled in compliance with the rule of the  
collectively bargained agreement and must be dismissed.

FINDINGS: The Third Division of the Adjustment Board, after giving  
the parties to this dispute due notice of hearing there-  
on, 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;

That this Division of the Adjustment Board has jurisdiction  
over the dispute involved herein; and

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The Agreement was not violated.

A W A R D

Claim dismissed.

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By Order of Third Division

ATTEST:

A. W. Paulos  
Executive Secretary

Dated at Chicago, Illinois, this 29th day of September 1977.

