

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22133  
Docket Number MS-22245

Joseph A. Sickles, Referee

PARTIES TO DISPUTE: (Eddie L. Lambert  
(  
(The Chesapeake and Ohio Railway Company  
( (Southern Region)

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 (me) and the Chessie System) involving) My Unjust Dismissal involving the question: my unjust dismissal

OPINION OF BOARD: Subsequent to notice and investigation, Claimant was dismissed from Carrier's service on August 29, 1975. Thereafter, appeals for leniency were submitted, and Carrier's highest designated officer declined the appeal on November 12, 1975.

There was no further handling of the matter on the property and no conference. On June 13, 1977 a Notice of Intention was filed with this Board, followed by an ex parte submission.

Rule 21(g) 1. C. of the pertinent agreement specifies that claims shall be barred unless, within nine (9) months from date of the highest designated officer's decision, proceedings are instituted before the appropriate division of this Board. The record before us clearly shows that this claim was not filed here within that time period. Accordingly, we lack jurisdiction and the claim is barred.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

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 lacks jurisdiction over the dispute involved herein; and

Award Number 22133  
Docket Number MS-22245

Page 2

That the Claim be dismissed.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

*A.W. Paulos*  
Executive Secretary

Dated at Chicago, Illinois, this 30th day of June 1978.

