

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22399  
Docket Number MS-22291

Louis Yagoda, Referee

PARTIES TO DISPUTE: (Gary E. Eckenrode  
(National Railroad Passenger Corporation

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 August 31, 1977 covering an unadjusted dispute between me and the National Railroad Passenger Corporation (Amtrak) involving the question: That any such claim or grievance be disallowed, the supervisor shall, within sixty (60) days from the date same is filed, notify whoever filed the claim or grievance (the employee) in writing of the reasons for such Disallowance. If not so notified, the Claim or grievance shall be allowed as presented.

OPINION OF BOARD: At the outset in this case we are confronted by a contention by Carrier that the claim must be dismissed because of procedural error alleged to have been committed by the Claimant.

The claim in this case was initially outlined in a letter addressed to Mr. J. Duncan, Labor Relations Department. The facts of record clearly indicate that Mr. J. Duncan was not Claimant's supervisor. Claimant states that he presented his claim to Mr. Duncan because he had previously discussed the situation and, "Our discussions made Mr. Duncan the logical party to address these issues since he was familiar with the aspects of the violations through these conversations." Claimant further argues that he had given his supervisor (Mr. Dewan) a copy of the claim letter addressed to Mr. Duncan and that should have placed him in compliance with the provisions of Rule 25 which requires the presentation of all claims or grievances "to the supervisor."

The supplying of an informational copy of the claim letter to Mr. Dewan does not meet the Rule requirement that the claim "must be presented in writing by or on behalf of the employee(s) involved to the supervisor." It is Claimant's responsibility to be aware of the claim filing requirements contained in the Rules Agreement.

Accordingly we hold, without reaching any other issue involved herein, that this claim is defective and therefore barred, inasmuch as it was not presented to the authorized Carrier officer within the time limits provided in Rule 25. See Third Division Award Nos. 18371 and 20977.

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. Pauls  
Executive Secretary

Dated at Chicago, Illinois, this 27th day of April 1979.