

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22507
Docket Number MS-22586

John J. Mangan, Referee

PARTIES TO DISPUTE: (V. H. Hedden and A. F. Henninger
(
(Southern Pacific Transportation Company
((Pacific Lines)

STATEMENT OF CLAIM: "Claim of V. H. Hedden, and A. F. Henninger, members of the Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees That:

(a) The Carrier Violated the rules agreement, effective September 15, 1971, particularly Rule 24, (d), and Article III, Section 2 (a) of the Agreement of September 16, 1971., etc.

(b) That Claimants V. H. Hedden, should be allowed Eight (8) hours paid for but not worked each date commencing September 23, 24, 25, 26, 27, 30, October 2, 3, and 4, 1974, and continuing thereafter until violations cease.

(c) That Claimant A. F. Henninger, should be allowed Eight (8) hours paid for but not worked each date commencing December 16, 17, 18, 19, 20, 23, 24, 26, 27, 30, and 31, 1974, and continuing thereafter until violations cease."

OPINION OF BOARD: This Board has to overcome a threshold defense raised by the Carrier before we can consider the merits of Petitioner's claim. Carrier argues that this claim must be dismissed because it was not timely filed in accordance with Rule 24 of the parties' agreement. We have searched the entire record and conclude that the Carrier's position is sound. Rule 24 provides that all claims and grievances are to be instituted within sixty (60) days "from the date of the occurrence on which the claim . . . is based." Our reading of the record develops that the claim was filed approximately two (2) years from the date of the alleged occurrence. We have no alternative but to dismiss the claim.

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 be dismissed.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

G. W. Pauls
Executive Secretary

Dated at Chicago, Illinois, this 17th day of September 1979.