

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23520  
Docket Number MS-2342

Joseph A. Sickles, Referee

PARTIES TO DISPUTE: { Harold G. Karn  
{ Consolidated Rail 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 March 20, 1980 covering an unadjusted dispute between me and CONRAIL involving the question:

That Mr. W. Maliff (Supervisor O&S) erred in awarding the position advertised by Bulletin M 45 - 78, to Mr. J. Heaphy, and not to me, Harold G. Karn

OPINION OF BOARD: The Carrier has pointed out that the Claimant failed to comply with certain time limits, as specified in the Agreement.

We note specifically that the Employee did not present the dispute to this Board within the 9 month period mandated in the pertinent Agreement. Accordingly, regardless of the other contentions advocated by the parties, we find that we are without authority to consider the matter, and we will 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 is barred.

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Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST: *A. W. Paulson*  
Executive Secretary

Dated at Chicago, Illinois, this 29th day of January 1982.

