

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24919
Docket Number CL-24119

I. M. Lieberman, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and Steamship Clerks,
(Freight Handlers, Express and Station Employees
(The Chesapeake and Ohio Railway Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-9424) that:

(a) The Carrier violated terms of the Clerks' Agreement March 28, 1977 when they called Mr. Walter Mirasky back to the C&O on position A-106 Correction-Adjustment Clerk, thus causing M's Peggy Shuey to be Cut Off from March 28, 1977 to April 25, 1977, when she was recalled to position A-45 Microfilm Clerk.

(b) M's Peggy Shuey should now be compensated for any and all wages lost due to this violation of the Clerks' Agreement from April 15, 1977 through April 24, 1977 which is also in violation of Rule 26(b) and others of BRAC Agreement Rules.

OPINION OF BOARD: As an initial matter Carrier avers that the claim herein was not timely, and should be dismissed. The facts with respect to that contention are that the claim herein was filed on July 12, 1977 contending that Carrier violated the Agreement causing Claimant to be cut off on March 28, 1977.

Rule 27-1/2 of the Agreement provides that all claims must be submitted within 60 days from the occurrence upon which the claim is based. It is self-evident that the claim in this matter was filed long after the time period specified in Rule 27-1/2 and for that reason may not be considered. We cannot reach the merits. The claim will be dismissed.

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

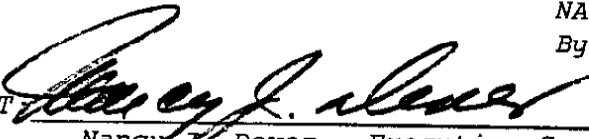
That the claim is barred.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 30th day of July 1984.