

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25313  
Docket Number MS-25349

Marty E. Zusman, Referee

PARTIES TO DISPUTE: (Samuel Lewis, Jr.  
(  
(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 4 August 1983 covering an unadjusted dispute between me and the Consolidated Rail Corporation involving the question: 10 day suspension, on the charge of

Being remiss in your obligation as an extra clerk, by failing to report for assignment of third trick Statistical Clerk,...on Wednesday, 27 May 1981. Also absenting yourself from duty without permission, when being unavailable for assignment to third trick Hump Clerk on Saturday, 30 May 1981.

Thirty (30) days suspension, on the charge of

Being remiss in your obligation as an extra clerk, Operation Control Center, Phila., PA account being unavailable for assignment to third Hump Clerk position on Monday, 8 June 1981 and Saturday, 20 June 1981.

Sixty (60) days suspension, on the charge of

Being remiss in your obligation as an extra clerk, Operation Control Center, Philadelphia, PA when absenting yourself from duty without permission commencing 2:04 pm Wednesday, 24 June to and including Sunday, 28 June 1981..."

OPINION OF BOARD: This Board has carefully reviewed the instant case and must forego both a discussion and a determination of merits because of a clear lack of jurisdiction that stems from a procedural defect in the case at bar. From the record and the governing Agreement between the parties it is abundantly clear that the Claimant had until May 15, 1983, to file a claim. The record before this Board shows that Claimant instituted this Claim on July 5, 1983, in violation of Rule 43 Paragraph (e) of the Agreement. As such, this Board lacks jurisdiction, as this late filing constitutes an improper submission in that it does not fulfill timely appeal requirements within the Agreement. Such a ruling by this Board is consistent with a long list of past Awards (Second Division Awards 6637, 7164, 7182; Third Division Awards 20251, 20330, 21983, 23947, 23466, 23520, 24047, 24360 and 24475). Parties to Agreements are enjoined to observe time limits strictly and failing to do so negates the action.

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 has jurisdiction over the dispute involved herein; and

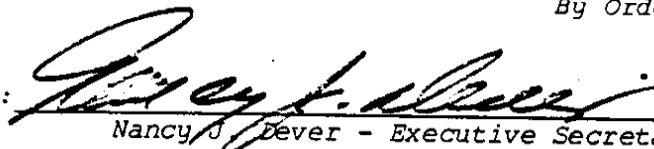
That the claim is barred.

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 28th day of February 1985.