

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25337  
Docket Number MS-25456

Eckehard Muessig, Referee

(Joseph E. Kelleher

PARTIES TO DISPUTE:

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(Consolidated Rail Corporation

STATEMENT OF CLAIM:

The total wage of \$2,344.24 should be paid to Joseph E. Kelleher for unlawful layoff from the period of August 25, 1980 to October 5, 1980 inclusive.

OPINION OF BOARD: The significant events leading to this claim began on November 3, 1980 when the Claimant alleged that he had been improperly furloughed for a period of six weeks. He claims \$2,344.24 is due him for this period. The Carrier denied the claim on November 17, 1980. Approximately sixteen months later, during a period when the Claimant had resigned from the service of the Carrier, a number of letters progressing this dispute were exchanged between the parties, culminating in a claim to this Division for the monies stated above.

This Board finds that the claim was not timely appealed on the property in accordance with Rule 16 of the controlling Agreement. Under the circumstances here, the claim was closed when it was not progressed in one form or other within 60 days after the initial denial on the property.

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 15th day of March 1985.