

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25533
Docket Number MS-25378

Frances Penn, Referee

(Charlotte D. Ellsworth
PARTIES TO DISPUTE: (
(Southern Pacific Transportation Company (Western Lines)

STATEMENT OF CLAIM:

"The nature of claim is job harrassment (sic)."

OPINION OF BOARD: This claim was filed by Ms. Charlotte D. Ellsworth on her own behalf. Ms. Ellsworth contends that when she was working Steno Position 102 between June 7, 1982, and June 23, 1982, she was harassed on the job by Assistant Superintendent D. C. Heird. The Carrier contends that the dispute was resolved directly between Ms. Ellsworth and Mr. Heird and that the claim should be dismissed because this Board lacks jurisdiction over claims which have not been properly handled on the property.

After careful evaluation of the entire record, the Board finds several procedural defects, each of which prevents this claim from consideration on its merits.

The record makes it clear that the Claimant did not follow the procedures required by the current Agreement between the parties as set forth in Rule 24 and as required by Section 3, First (i) of the Railway Labor Act. Rule 24 reads in part:

"RULE 24

TIME LIMIT ON CLAIMS AND GRIEVANCES
SHORTAGE ON PAYROLL VOUCHER

(From Article V of August 21, 1954 National Agreement)

(a) All claims or grievances must be presented in writing by or on behalf of the employe involved, to the officer of the Carrier authorized to receive same, within 60 days from the date of occurrence on which the claim or grievance is based."

No claim or grievance was presented in writing by the Claimant within 60 days as required. The Claimant first notified the Carrier of her complaint in a letter dated October 14, 1982, well beyond the stated time limit. Rule 50 of the Agreement provides:

"RULE 50

GRIEVANCES

An employe who considers himself unjustly treated shall have the same right of investigation and appeal as provided in Rules 46, 48 and 49 if written request is made to his superior within fifteen (15) days of the cause of complaint."

The Claimant made no timely written request to her Supervisor as required. She never requested a hearing, and no conference was held on the property.

Finally, the Board finds that this claim does not meet the requirements of Circular 1 of this Board, which provides in pertinent part:

"FORM OF SUBMISSION

* * *

"STATEMENT OF CLAIM: Under this caption the petitioners must clearly state the particular question upon which an award is desired." (Emphasis added)

Awards of this Board have long held that claims that do not clearly identify the specifics of the dispute must be dismissed for failure to comply with the Board's Rules of Procedure. In this case, the Claimant has not identified any specific rule or rules that she alleges have been violated by the Carrier and cites no specifics in respect to the incident in the claim. Nowhere in the correspondence between the Claimant and the Carrier has any rule or rules violation by the Carrier been alleged. Therefore, the Board has no other recourse 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 Employes involved in this dispute are respectively Carrier and Employes 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.

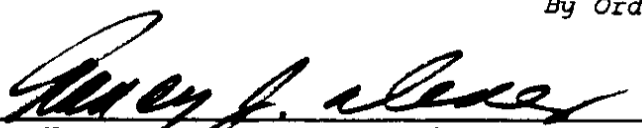
A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD

By Order of Third Division

Attest:


Nancy J. Lever - Executive Secretary

Dated at Chicago, Illinois, this 28th day of June 1985.