

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 26350
Docket Number MS-26278

Martin F. Scheinman, Referee

PARTIES TO DISPUTE: (George Kolonits
(National Railroad Passenger Corporation

STATEMENT OF CLAIM:

"Severance Pay to stewards per the Agreement of July 25th 1983 signed by the UTU and Amtrak."

OPINION OF BOARD: By letter dated January 20, 1984, Claimant contended that he had been improperly denied separation allowance when he retired from service in August, 1983. Carrier rejected this Claim, arguing that it was not properly filed in accordance with the Railway Labor Act, and the applicable Agreement.

After reviewing the record evidence, the Board must deny the Claim on procedural grounds alone. It is well settled that Claims must be filed in a timely manner in accordance with the relevant Agreement and the Act. Here, Carrier first learned of the Claim in January, 1984, far more than sixty days after his resignation. Rule 17 of the Agreement is clear and unambiguous. It requires that Claims be filed within sixty days of the date Claimant was aggrieved. When Claimant resigned in August, 1983, he did not receive any separation allowance. Thus, he was clearly aggrieved at that time. Accordingly, a Claim filed on January 20, 1984, is clearly untimely. Thus, and for this reason, the Claim must be rejected.

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

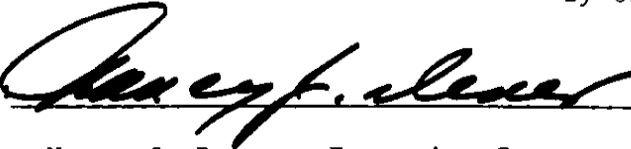
That the Claim was barred.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest

A handwritten signature in cursive script, appearing to read "Nancy J. Dever", is written over a horizontal line.

Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 8th day of June 1987.