

The Third Division consisted of the regular members and in addition Referee John C. Fletcher when award was rendered.

(Randal J. Ciriclio
PARTIES TO DISPUTE: (
(Metro-North Commuter Railroad

STATEMENT OF CLAIM:

"Rule 8 states that: an active employee who accepts a position comint (sic) within the scope of any other agreement for more than fifteen (15) days .. will forfeit all seniority under this Agreement. Why didn't Mr. Tony Fitzherbert of the Personnel Department inform me of the 15 day ruling when I transferred back to the B & B Department?

Why is management at Metro-North and Mr. M. J. Kurtz denying my re-instatement?"

FINDINGS:

The Third Division of the Adjustment Board upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employes within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

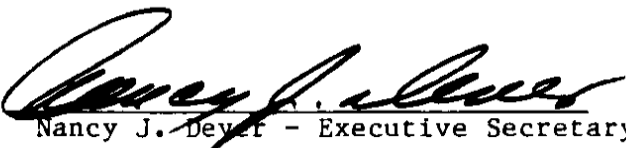
Petitioner's Notice of Intent to this Board is out of time and does not comply with Section 3, First (i) of the Railway Act and Circular No. 1. Accordingly, we are without jurisdiction to consider his complaint.

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 10th day of August 1989.