

The Third Division consisted of the regular members and in addition Referee Irwin M. Lieberman when award was rendered.

(Ronald J. Griglia
PARTIES TO DISPUTE: (
(CSX Transportation, Inc. (former B&O)

STATEMENT OF CLAIM:

"(A) Carrier violated the current Signal Agreement particularly Section (46C) which states, Bulletins advertising new positions or vacancies or awarding positions to successful applicants will be posted at headquarters of maintainers and gangs and copies of each bulletin will be furnished the Local Chairman. Copies will be also sent to each employee not in actual service on seniority district, providing request to that effect is on file with the Signal Supervisor.

(B) Signalman Griglia should be compensated for all hours lost from August 6, 1985 to September 2, 1985.

| | | |
|-----------------------------|------------|--------|
| Total number of lost hours. | 152.00 | strait |
| | | time |
| Also 30 min. A Day Prorate. | 9.00 | strait |
| | | time |
| | 161.00 | Total |
| | \$2134.86" | |

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.

This dispute is based on a Bulletin dated June 12, 1985, which Claimant herein allegedly did not receive. The positions advertised in the June 12th Bulletin were awarded by Bulletin dated July 5, 1985. The initial Claim herein was filed on September 9, 1985, received by Carrier on September 12, 1986. Under the provisions of Rule 54 all Claims or grievances must be filed within 60 days from the date of the occurrence upon which the claim is based. The Claim was clearly tardy in that it was filed more than sixty days from the issuance of the original bulletin or any other possible date the alleged violation could have occurred.

The decision by Carrier's highest officer was rendered on May 1, 1986. Rule 54 (1)(c) provides that proceedings must be instituted before the Board within 9 months of the decision by the Carrier's highest designated officer. In this dispute Carrier was notified by the Board by letter dated April 21, 1987, of written notice from Petitioner of his intent to file an ex parte submission in this dispute. Again, the Board must conclude that Claimant's action was defective since it violated the time limits set forth in the Agreement.

Section 3, First (1) of the Railway Labor Act and Circular No. 1 of the Board both require that all disputes to be considered by any Division of the Board must be handled in accordance with the provisions of the controlling Agreement. It is apparent that the Claim was defective under the time limit provisions of Rule 54 on two grounds and consequently this Board is barred from ruling on the merits of the dispute. The Claim must be dismissed.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest


Nancy J. Dover - Executive Secretary

Dated at Chicago, Illinois, this 10th day of August 1989.