

NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISIONAward No. 30961  
Docket No. MW-28434  
95-3-88-3-219

The Third Division consisted of the regular members and in addition Referee Edwin H. Benn when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employes  
(  
(Union Pacific Railroad Company (former  
( Missouri Pacific Railroad Company)

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood that:

- (1) The Agreement was violated when the Carrier failed and refused to permit Trackman A. H. Hughes to displace junior trackmen on Texas District Tie Gang 5801 beginning December 5, 1986. (Carrier's File 870314)
- (2) As a consequence of the aforesaid violation, Mr. A. H. Hughes shall be compensated for all wage loss suffered beginning December 5, 1986, and continuing until such time as the violation is corrected."

FINDINGS:

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

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee 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.

The claim dated February 2, 1987, presented on the property alleges that Claimant was furloughed October 10, 1986, and that the furlough was improper because junior employees were allowed to work. Rule 12, Section 2(a) requires that "All claims or grievances must be presented ... within 60 days from the date of the occurrence on which the claim or grievance is based." The claim is therefore untimely.

AWARD

Claim dismissed.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Dated at Chicago, Illinois, this 26th day of July 1995.