

Public Law Board No. 2363

PARTIES
TO
DISPUTE:

Brotherhood of Maintenance of Way Employees
and
Louisville and Nashville Railroad Company

STATEMENT
OF
CLAIM:

1. Dismissal of Track Repairmen J. L. Griffin and F. L. Massey for fighting was without just and sufficient cause and excessive.
2. That they be allowed the remedy prescribed in Rule 27(f).

FINDINGS:

Claimants were dismissed after a hearing had been held in the matter for fighting on Company property and time. They were notified of their dismissals by letter of Division Engineer McQueen dated September 25, 1980, but did not give notice of appeal to Mr. McQueen within ten days after the dismissal decision was rendered.

Rule 27(e) provides for appeal from a discipline decision "if notice of appeal is given to the official rendering the decision within ten days thereafter." The provisions of that Rule are definite and unambiguous and have not been waived.


The claim accordingly must be dismissed.

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AWARD:

Claim dismissed.

Adopted at Jacksonville, Florida, April 21, 1983.



Harold M. Weston, Chairman



Carrier Member



Employee Member