

PUBLIC LAW BOARD NO. 4431

Parties
to the
Dispute

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

vs.

BURLINGTON NORTHERN RAILROAD COMPANY

Case No. 15

STATEMENT OF CLAIM

Claim of Machine Operator H. J. Venstad for all time lost as a result of ten-day suspension and removal of discipline mark from his personal record.

FINDINGS

Claimant H. J. Venstad was assigned as a Machine Operator. On October 3, 1986, he was operating a Galion Crane when it tipped over while he was performing a job with it. As a result, Claimant was charged and an investigation was held. Following the investigation, Claimant was found guilty of a violation of Rule 931 of the Rules of the Maintenance of Way Department and assessed a ten-day suspension.

The Organization protested the ten-day suspension and processed the claim to the highest designated Carrier Officer. The claim was denied on March 16, 1987, by Carrier's highest designated Officer to

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hand grievances. Petitioner listed this case before the Board on January 8, 1988.

Carrier argues that Petitioner did not meet the time limit contained in Schedule Agreement Rule 42(c) for progressing claims to a Board. That rule states that ^{9 mos B.L.L.} a month is allowed to progress a claim to the Board or it will be barred.

The Board has reviewed the case from this perspective and we are forced to conclude that the Petitioner was late in progressing the claim to the Board. As such, we are forced to dismiss it.

AWARD

The claim is dismissed.

R. E. Dennis
R. E. Dennis, Neutral Member

B. G. Glover
B. G. Glover, Employee Member

M. M. Timberman
M. M. Timberman, Carrier Member

8-10-89
Date of Adoption