

NATIONAL RAILROAD **ADJUSTMENT** BOARD

THIRD DIVISION

Award Number 20165
Docket Number MS-20300

Joseph A. Sickles, Referee

(Veronica **Dolan**)

PARTIES TO DISPUTE: {
(Canadian Pacific Limited)

STATEMENT OF CLAIM: This is to serve notice, as required by the rules of the National Railroad Adjustment Board, of my intention to file an **ex parte** submission on July **18**, 1973 covering an unadjusted dispute between me and the Canadian Pacific Rail Company involving the question:

The payment of shortages by me, the employee for ticket sale shortages. These shortages were not voluntarily made by me, the employee; and yet I was asked to pay these shortages in cash from my **own** money. Canadian Pacific said there was no **way** they could deduct these shortages from my paycheck because they had no computer code for this type of deduction. I wish to know whether it is legal under federal Law for Canadian **Pacific** to ask me to repay these shortages out of my own pocket. The Department of Labor & Industries advised **me** not to pay these shortages out of my own money as this **would** be an admission that I had purposely caused these shortages. Also, I wish to know **why** the books were not first audited by the home office in Montreal before we were asked to pay shortages.

OPINION OF BOARD: Claimant disputes Carrier's method of obtaining a repayment of cash shortages.

On June 18, 1973, **Claimant** served notice to this Board of intention to file an **ex parte** Submission. A review of the Docket demonstrates that Claimant never presented a grievance to Carrier under the applicable agreement, nor did she attempt, in any **manner**, to handle the dispute on the property. The claim, therefore, was not handled **as** required by Section 3, First **(i)** of the Railway Labor Act and Circular No. **1** of this Board. See Award 19785 of **this** Referee, and Award 19728 (**Lieberman**).

Moreover, a question of the Jurisdiction of this Board may be raised at any **time** during the course of the proceedings. See Awards 16786 (**Zumas**) and 18322 (Dorsey).

The claim is barred from consideration by this Board and **will** be dismissed.

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

That the parties waived oral hearing;

That the Carrier and the **Employes** involved in this dispute are respectively Carrier and **Employes** within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the claim is barred.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD

By Order of Third Division

ATTEST:

A. W. Pauls
Executive Secretary

Dated at Chicago, **Illinois**, this 28th day of February 1974.