

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD** DIVISION

Award Number **22133**  
Docket Number MS-22245

Joseph A. Sickles, Referee

PARTIES TO DISPUTE: (Eddie L. **Lambert**  
(The Chesapeake and Ohio Railway Company  
(Southern Region)

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 (30 days from date of this notice) covering an unadjusted dispute between (me) and the Chessie System) involving) My **Unjust Dismissal** involving the question: **my** unjust dismissal

OPINION OF BOARD: Subsequent to notice and **investigation**, Claimant was dismissed from Carrier's **service on** August 29, 1975. Thereafter, appeals for leniency were submitted, and Carrier's highest designated officer declined the appeal **on November** 12, 1975.

There was no further **handling** of the matter on **the** property **and no** conference. On June 13, 1977 a Notice of Intention was filed with this Board, followed by an **ex** parte submission.

Rule **21(g)** 1. C. of the pertinent agreement specifies **that** claims shall be barred unless, within nine (9) months from date of the highest designated officer's decision, proceedings are instituted before the appropriate division of this Board. The **record** before us clearly shows that this claim was not filed here within that time period. Accordingly, we lack jurisdiction and the claim is barred.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and **upon** the whole record and all the evidence, finds **and** holds:

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 lacks jurisdiction over the dispute involved herein; and

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**That** the Claim be dismissed.

A W A R D

Claim dismissed.

**NATIONAL RAILROAD ADJUSTMENT BOARD**

By Order of Third Division

ATTEST:

*A.W. Paulos*

Executive Secretary

Dated at Chicago, **Illinois**, this **30th** day of **June 1978**.

