

Award No. 1433

Docket No. 1369

NATIONAL RAILROAD ADJUSTMENT BOARD

FOURTH DIVISION

PARTIES TO DISPUTE:

BARNEY L. RAPPOLD

NEW YORK CENTRAL RAILROAD—Southern District

STATEMENT OF CLAIM: Claim for reinstatement of Yardmaster Barney L. Rappold (Indianapolis Terminal) to the services of the New York Central Railroad (Southern District) with seniority and vacation rights unimpaired, and compensated for all time lost, account improperly dismissed because of prejudice rather than a Rule violation.

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

The carrier and the employe involved in this dispute are respectively carrier and employe 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.

The parties to said dispute were given due notice of hearing thereon.

Article 11 (c) of the applicable agreement states, in part, "All claims or grievances involved in a decision of the highest officer shall be barred unless within six months from the date of said officers' decision proceedings are instituted by the employe or his duly authorized representative before a tribunal having jurisdiction pursuant to law or agreement of the claim or grievance involved."

The record in this docket clearly shows that the decision of the carrier's highest officer was rendered on December 8, 1956. Claimant's notice of intent to file with the Fourth Division, National Railroad Adjustment Board, was received on September 24, 1958.

As the proceedings in this dispute were not initiated to this Division within the six months' period provided in Article 11 (c) the claim is dismissed.

AWARD

Claim dismissed.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of FOURTH DIVISION**

**ATTEST: Patrick V. Pope
Secretary**

Dated at Chicago, Illinois, this 22nd day of October, 1959