

notice of intent to file an Ex Parte Submission to this Board, by letter to the Vice President Labor Relations, dated May 20, 1994.

Carrier invoked Article 35 (f)-Time Limit on Claims and moved for dismissal of the matter without reference to merits, due to the Organization's failure to move case to arbitration within one (1) year of the April 30, 1993 letter of declination on the property. That affirmative defense is supported by the undisputed facts of record and must be granted. The one-year time limit for referring the case for arbitration began to run with the April 30, 1993 formal declination and was not tolled by the fact that the Vice President Labor Relations acceded to the General Chairman's request to discuss the claims again on October 5, 1993.

In the meantime, the sand had been running through the hour glass since approximately April 30, 1993. It ran out approximately three (3) weeks before the Organization served Notice of Intent, on May 20, 1994, to place the declined claim before this Board for arbitration. Under the plain language of Article 35 (f) and controlling precedent, we have no alternative but to dismiss the claim without reference to merits. First Division Award 22769; SBA 140-663,664,772, 1160; Disputes Committee E-49-F, W-E-64, W-E-67, W-E&F-11, W-F-108.

AWARD

Claim dismissed.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of First Division

Dated at Chicago, Illinois, this 28th day of October 1997.