

The Second Division consisted of the regular members and in addition Referee Nicholas H. Zumas when award was rendered.

Parties to Dispute: (System Federation No. 42, Railway Employees'
(Department, A. F. of L. - C. I. O.
((Carmen)
(Seaboard Coast Line Railroad Company

Dispute: Claim of Employees:

1. That under the current agreement the assignment of Carmen W. E. Webb, E. A. Lanier, R. W. Jaudon, J. G. Andrews, R. W. Brigdon, W. H. Freeman, W. A. Woods, H. H. Duggar, C. A. Calvert, G. W. Murphy, C. B. Claxton, and B. L. Orendorff were improperly changed from a work week with Sunday as a rest day, to a newly created assignment which required them to work on Sundays.
2. That accordingly, the Carrier be ordered to:
 - (a) Restore the aforementioned employees to their former work week.
 - (b) Additionally compensate these employees eight hours at time and one half rate for being required to work on Sundays, and also any employee in the future that is required to work on Sunday on the running repair track, at Savannah, Georgia. This claim to begin Sunday March 5, 1972 and includes each Sunday thereafter.

Findings:

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

The carrier or carriers and the employe or employees 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.

Parties to said dispute waived right of appearance at hearing thereon.

The record before the Board shows that on January 15, 1969, the petitioning organization initiated a claim identical to the one here involved, with the exception of some of the named claimants, alleging a continuing violation of the same rules involving the same operation at the same location. The claim was progressed to and including the highest designated appeals officer of the Carrier and denied on May 19, 1969. It was not progressed further and became barred under Rule 30(c). The instant claim was initiated on February 29, 1972.

It is well settled that a claim alleging a continuing violation that becomes barred under the time limit rule may not be resurrected by subsequent re-filing. See Second Division Awards 4924, 4848 and 5682, Third Division Awards 16010, 12851, 10329, 10251 and 9447, and Award 384 of S.B.A. 605. The claim herein is barred and must be dismissed.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By Rosemarie Brasch
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 11th day of March, 1975.