

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISIONAward No. 6610
Docket No. 6462
2-C&NW-CM-'74

The Second Division consisted of the regular members and in addition Referee Irwin M. Lieberman when award was rendered.

Parties to Dispute: (System Federation No. 12, Railway Employees'
(Department, A. F. of L. - C. I. O.
((Carmen)
(Chicago and Northwestern Railway Company

Dispute: Claim of Employees:

1. That Carrier unjustly assigned section men to perform Carmen's work at the wreck at Dunkerton, Ia.
2. That the Carrier be ordered to pay three claimants. Carman O. F. Resor 8 1/2 and 9 1/2 hours at overtime rate for June 20th, and 8 1/2 and 9 1/2 hours for June 21, 1971; Mr. C. D. Hillman, Carman 8 1/2 and 16 hours overtime rate for June 20th and the same amount for June 21, 1971; Mr. D. C. Stawn, Carman, 15 hours and 9 1/2 hours at overtime rate for June 20th and the same amounts for June 21, 1971.

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.

In this dispute involving a wrecking crew, the claim presented to the Board for compensation at the overtime rate was as follows:

	<u>June 20th</u>	<u>June 21st</u>
Resor	18 hours	18 hours
Hillman	24 1/2 hours	24 1/2 hours
Stawn	24 1/2 hours	24 1/2 hours

The claim submitted on the property, and appealed to the highest officer of Carrier was as follows:

	<u>June 20th</u>	<u>June 21st</u>
Resor	8 1/2 hours	9 1/2 hours
Hillman	8 1/2 hours	16 hours
Stawn	15 hours	9 1/2 hours

The record indicates that the claim as outlined first above was repeated twice in the notice letter to the Board, dated September 25, 1972, indicating the intent to file an ex parte submission, as well as in the submission itself. Obviously the claim has been doubled, Petitioner claims due to "typographical error". If in error, it has been compounded by being repeated several times and resulted in the claim being expanded in its presentation to this Board.

We find that the claim presented to this Board is not the same claim progressed on the property and we are foreclosed from considering it on its merits. Because of its fatal expansion, the claim before us has not been handled on the property as required by Section 3, First (i) of the Railway Labor Act and must be dismissed (See Awards 5396, 5783, 4659 and others).

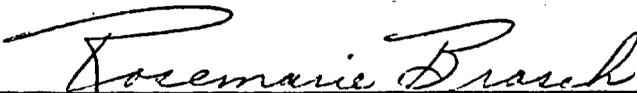
A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By



Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 8th day of January, 1974.