

The Second Division consisted of the regular members and in addition Referee John C. Fletcher when award was rendered.

PARTIES TO DISPUTE: (D. Ellis et al
(Chicago, Missouri and Western Railway

STATEMENT OF CLAIM:

1. Claim on behalf of Carmen D. Ellis et al., East St. Louis, Illinois, that the Carrier violated Rule 34(A) of the controlling Agreement when they failed to properly respond to a time claim filed on September 3, 1987.

2. That accordingly the Carrier be ordered to compensate the claimants eight (8) hours per day five (5) days per week starting August 20, 1987 and continuing until this instant dispute is resolved and they are returned to work.

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 employes involved in this dispute are respectively carrier and employes 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.

Examination of the material of record in this Docket fails to support a conclusion that Carrier violated Rule 34(A) of the controlling Agreement by failing to respond timely to a claim allegedly filed by Petitioner on September 3, 1987. Accordingly, Item 1 of the Statement of Claim is dismissed.

With regard to Item 2 of the Statement of Claim, the evidence of record indicates that Petitioners' assignments were properly discontinued, as provided by terms of the controlling Agreement. Demands for compensation are denied.

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Award No. 11912
Docket No. 11785-I
90-2-89-2-100


A W A R D

Item 1 of the Statement of Claim dismissed.

Item 2 of the Statement of Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 1st day of August 1990.