

Award No. 9833
Docket No. MS-11360

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

STANLEY SHELL

SOUTHERN RAILWAY COMPANY

STATEMENT OF CLAIM: Please take notice that the petitioner, Stanley Shell, intends to file a claim for time and one-half pay for overtime he worked as an engine-watchman at Newport, Tennessee. Petitioner was paid at the regular hourly wage rate for service as substitute engine-watchman and it is his contention that he should have been paid at time and one-half rather than the regular hourly wage rate for his service.

OPINION OF BOARD: The record shows that the alleged claim was not handled with the Carrier as required by the provisions of the applicable Agreement, the Railway Labor Act, and the Rules of Procedure of the National Railroad Adjustment Board. It will, therefore, be dismissed.

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

That the parties waived oral hearing;

That the Carrier and the Employee involved in this dispute are respectively Carrier and Employee within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the claim is barred.

AWARD

Claim dismissed.

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

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 15th day of February, 1961.