

Award No. 9870

Docket No. CL-9247

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Martin I. Rose, Referee

PARTIES TO DISPUTE:

CHICAGO GREAT WESTERN RAILWAY COMPANY

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES**

STATEMENT OF CLAIM: (4)—(1) Claim in behalf of J. B. Sullivan, Cashier, Sycamore, Illinois, and previous incumbents of this position, if any, for eight (8) hours' pay at the rate of time and one-half for Saturday and Sunday, September 3 and 4, 1949, and all subsequent Saturdays and Sundays; and

(2) Claim in behalf of these same employes for eight (8) hours' pay for Thanksgiving Day, November 24, 1949 and all subsequent holidays.

Account working the incumbents of this position less than the amounts shown above—Carrier's file K-99, Organization's Case G-465.

OPINION OF BOARD: This case is the same as in Award 9867. For the reasons stated in that award, this claim should also be dismissed.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

That the Carrier and the Employes involved in this dispute are respectively Carrier and Employes 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 by Rule 40 (d) of the Agreement.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 23rd day of March, 1961.