

Award No. 9900
Docket No. CL-9277

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 EMPLOYEES**

STATEMENT OF CLAIM: (34) Claim in behalf of J. F. Balensifer and J. H. Kennard for four (4) hours each at the rate of time and one-half for their respective positions, for each day retroactive sixty (60) days to the date of the initial claim (September 17, 1955) when, it is alleged, that Carrier removed work from scope of Clerks' Agreement at Kansas City, Missouri Freight House and permitted one, Jeffrey Alston, an employe of Crooks Terminal Warehouse Company to perform such work—Carrier's file K-186, Organization's Case G-737.

OPINION OF BOARD: This case is the same as in Award 9867 except that the nine months time limit provided in Rule 40 (c) is applicable. 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 Employees involved in this dispute are respectively Carrier and Employees 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 (c) 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.