

**Award No. 9904**  
**Docket No. CL-9281**

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

**Martin I. Rose, Referee**

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**PARTIES TO DISPUTE:**

**CHICAGO GREAT WESTERN RAILWAY COMPANY**

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

**STATEMENT OF CLAIM:** (38) Claim in behalf of T. D. Thomas, Station Laborer, for difference in rate of pay of Freighthouse Foreman and that of Station Laborer, Council Bluffs, Iowa, for a period of sixty (60) days prior to September 23, 1955, account allegedly required to perform the duties of Freight House Foreman—Carrier's file K-184, Organization's Case G-744.

**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 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 (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.