

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19425
Docket Number MW-19314

Thomas L. Hayes, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(
(Southern Pacific Transportation Company (Pacific Lines)

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that:

(1) The Carrier violated the Agreement when, without prior notice to General Chairman C. L. Ashley as required by Article IV of the May 17, 1968 National Agreement, it assigned the work of grading, removing rail panels and re-grading at Los Angeles, California to outside forces. (System Case MoFW 152-710)

(2) Tractor Bulldozer Operators W. C. Allison and J. F. Brown, Motor Grader Operator S. Jurado, Rail Crane Operator L. H. Cole and Utility Tractor (end loader) Operator J. Valdez each be allowed pay at their respective straight time rates for an equal proportionate share of the total number of man hours expended by outside forces in performing the work referred to in Part (1) of this claim.

(3) The Carrier shall also pay the claimants six (6%) percent interest per annum on the monetary allowances accruing from the initial claim date until paid.

OPINION OF BOARD: Carrier contends that this claim is procedurally defective and that it should be dismissed because the claim appealed to the Carrier's highest officer on the property is not the same claim referred to this Division.

After a review of the record, the Board feels that the objection of the Carrier is valid and should be upheld.

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

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

That the Agreement was not violated.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

E. A. Killen
Executive Secretary

Dated at Chicago, Illinois, this 29th day of September 1972.