

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19663  
Docket Number CL-19508

Alfred H. Brent, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and Steamship Clerks,  
( Freight Handlers, Express and Station **Employees**  
(Chicago, Milwaukee, St. Paul and Pacific Railroad Company

STATEMENT OF CLAIM: Claim of the System **Committee** of the Brotherhood (GL-6998)  
that:

1) Carrier violated and continues to violate the Clerks' Agreement at Fullerton Avenue Office Building, Chicago, Illinois when it failed and refused to assign the senior applicant to Assistant Bureau Head Position No. 46220.

2) Carrier shall be required to assign employee F. **Herner** to Assistant Bureau Head Position No. 46220.

3) Carrier shall now be required to compensate employee F. **Herner** the difference in the rate of pay between the Assistant Bureau Head Position No. 46220 and that of the position to which assigned for each day retroactive to December 12, 1969 and for **all** subsequent days until the violation is corrected.

OPINION OF BOARD: The Organization contends that the Carrier violated the Agreement when it failed and refused to assign the Claimant to Assistant Bureau Head Position **#46220** on December 12, 1969.

It is clear from the record that the claim for compensation was not timely filed by the Organization as it was filed sixty-one days after December 12, 1969, and was filed with the wrong officer of the Carrier.

This Board has held in the past that claims that are filed late or claims that are filed with the wrong officer of the Carrier are not procedurally correct and must 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 **Employees** involved in this dispute are respectively Carrier and **Employees** within the meaning of the Railway Labor Act, as approved June 21, 1934;

Award Number 19663  
Docket Number CL-19508

Page 2

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

That the claim be dismissed.

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 23rd day of March 1973.