

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20457

Docket Number CL-20499

Frederick R. Blackwell, Referee

(Brotherhood of Railway, Airline and Steamship
(Clerks, Freight Handlers, **Express** and
(Station **Employees**

PARTIES TO DISPUTE: (

(Western Weighing and Inspection Bureau

STATEMENT OF CLAIM: Claim of the **System Committee** of the Brotherhood (GL-7452) that:

(a) **The** Bureau improperly applied the wage increases of the National Wage Agreement of February 25, 1971 Case No. A-8853 to the position of Secretary to Assistant **Manager**, Position No. 047 for the period effective September **11**, 1972.

(b) An adjustment to be made in the wages of Claimant Mary **Ann Hynes** on Position No. 047, Secretary to Assistant Manager for the period effective September 11, 1972 of \$150.00 per month and continuing until such **time** as the former rate of pay is reestablished.

OPINION OF BOARD: We shall dispose of this case in line with our **dis-** position of a similar claim in Award **20456**. **In** that docket the Carrier raised, inter alia, the procedural objection that the claim submitted to this Board was not the same claim that was filed and appealed **on** the property and, therefore, the claim had not been handled in the usual **manner** as required by applicable procedures. We sustained the **Carrier's** objection **in** Award 20456, which resulted **in** dismissal of the claim. The Carrier raises the same **procedural objection** here; the objection **is** well taken and we shall dismiss this claim also.

Part (a) of the **Organization's** Stat-t of**Claim** before this Board deals with **an** alleged failure of the Carrier to properly apply certain wage increases provided for in a National Wage **Agreement**. It reads:

"(a) The Bureau improperly applied the wage increases of the National Wage Agreement of February 25, 1971 Case No. A-8853 to the position of **Secretary** to Assistant **Manager**, Position No. 047 for the period effective September **11**, 1972."

The Claim that was originally filed **in** this case alleged **in** part:

"At the time this position was under coverage of Scope **Rule** 1 (c) the Bureau requested it to be put under coverage of Scope Rule **1** (b) and through a Memorandum of Agreement it

"was agreed to with the understanding the rate of pay would be **commensurate** to that of positions in that category.

The Bureau, for reasons of their **own**, arbitrarily reduced the rate of pay **on** this position One **Hundred** Fifty Dollars (\$150.00) per month effective September **11**, 1972 at the **time** Wary **Ann Hynes** took over the **duties** of the position.

We contend that the Rules of our Agreement were violated, especially **Rules** 1, 3, 45 and 53 and Memorandum of Agreement. This claim is for \$150.00 per month effective September 11, 1972 and continuing **until** such **time** as the **former** rate of pay is re-established. **The** \$150.00 per month represents the difference between the old and the new rate on this position."

A plain reading of the Statement of Claim submitted to this Board and the claim that was originally filed **makes** it clear that a substantial variance exists between the two. **The** rules relied upon differ, the facts supporting the alleged violation differ, and the claims appear to have different underlying theories. We therefore conclude that the claim submitted to the Board, being substantially different from the claim filed and **hand-**
Led on the property, cannot be said to have been handled in the usual manner. Accordingly, we shall dismiss the claim.

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 apprwed June 21, 1934;

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

That the claim was not handled in the usual manner.

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Claim dismissed.

NATIONAL ~~RAILROAD~~ ADJUSTMENT BOARD
By Order of Third Division

ATTEST: *A.W. Paulson*
Executive Secretary

Dated at Chicago, **Illinois**, this 23th day of October 1974.