

NATIONAL **RAILROAD** ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20790
Docket Number MW-20779

Francis X. Quinn, Referee

PARTIES TO DISPUTE: ((Brotherhood of Maintenance of Way **Employes**
(Chicago and North Western Transportation Company

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

(1) The claim * presented by Local Chairman Claude E. Henderson on October 13, 1972, to **Roadmaster** R. J. Hendershot, should be **allowed** as presented, because said claim was not disallowed by **Roadmaster R. J. Hendershot** in accordance with the provisions of Article V of the August 21, 1954 National Agreement (System File 81-1-196).

"(*) The claim, as presented, reads:

'Because of the aforesaid violations, I am requesting that Mr. **Harriss** be awarded the position of assistant foreman-truck driver as advertised by Bulletin No. 21, with a seniority date in that class as of September 16, 1972. Please advise when Mr. Harriss has been assigned to this position.'

OPINION OF BOARD: The instant **claim** is based on the premise that Carrier was precluded from disallowing the Claim by any representative other than the officer who was authorized to receive the claim. The controlling agreement does not so restrict Carriers. Therefore the **claim** will be denied.

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 **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

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That the Agreement was not violated.

A W A R D

Claim denied.

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

ATTEST: *A. W. Pauls*
Executive Secretary

Dated at Chicago, Illinois, this 31st day of July 1975.