

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23395
Docket Number MW-23128

Arnold Ordman, Referee

PARTIES TO DISPUTE: { Brotherhood of Maintenance of Way Employees
{ Illinois Terminal Railroad Company

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

(1) The claim* as presented by the General Chairman on June 14, 1978 to Assistant Chief Engineer W. R. Bartling shall be allowed as presented because said claim was not disallowed by Assistant Chief Engineer W. R. Bartling in accordance with Rule 23B 1(a) (System File TTRR 1978-16).

*The letter of claim will be reproduced within our initial submission."

OPINION OF BOARD: The instant claim was filed with the officer of Carrier authorized to receive such claim. The officer of Carrier failed to answer within the 60-day period allowed for such answer under Rule 23B 1(n) of the Agreement, the rule dealing with Time Limit on Claims. Accordingly, in following the Division's awards on the question (See, for example, Award No. 10500 and authorities there cited), with which we concur, we sustain the claim as presented.

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;

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

That the Agreement was violated.

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. Paulson
Executive Secretary

Dated at Chicago, Illinois, this 6th day of October 1981.