

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23519  
Docket Number CL-23371

Joseph A. Sickles, Referee

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

STATEMENT OF CLAIM: Claim of the **Committee** of the Brotherhood (**GL-8983**) that:

1. **Carrier** violated, and continues to violate the Clerks' Rules Agreement at Milwaukee, Wisconsin when it arbitrarily disqualified employe **P. M. Bigley** on Morse Printer Operator Position No. **73330**.

2. Carrier further violated the Agreement when It refused to grant employe **Bigley** an investigation as per his request in **line** with the provisions of Rule 22 (f).

Carrier shall now be required to recognize employe **Bigley's** seniority and promotional rights, by assigning him to Position No. **73330** and **compensating** him for an **additional** day's pay at the appropriate rate for each workday he is **denied** his contractual rights to that position **commencing May 8, 1978**.

4. Carrier shall further be required to pay interest in the amount of seven and one-half ( $7\frac{1}{2}$ ) **percent per annum** on all wage loss sustained **as** set forth **under** Item 3 above until the violation is corrected.

OPINION OF BOARD: The pertinent Agreement provides that an employe who considers himself unjustly treated has certain rights to an investigation and appeal if written request is made within 15 days from the cause of the complaint.

We have reviewed the record at length, and we are of the **view** that **the** unjust **treatment** request was not made within the contractually provided **time** period, and accordingly we will deny 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 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 denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST: *A. W. Paulsen*  
Executive Secretary

Dated at Chicago, Illinois, this 29th day of January 1982.

