NATIONAL RAILROAD ADJUSTMENT BOARD

Award Number 24400
THIRD DIVISION Docket Number MW-24326

Joseph A. Sickles, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employes
(The Chesapeake and Ohio Railway Company (Northern District)

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

(1) The Carrier shall correct its 1979 System Track Forces Roster and subsequent rosters to shoe R. W. Siemon, Jr.'s 'Raw Division' as 'Grand Rapids' (System File C-S-980/MG-2818)."

OPINION OF BOARD: The Claimant was hired on August 8, 1978. When an individual enters service, seniority is established. However the appropriate Seniority Roster does not show the Grand Rapids Division as being the Claimant's home division.

The Carrier has noted that the Employe did not make a timely objection to any omissions in the Seniority Rosteraudthe Organization has countered with the assertion that theCarrier has failed to furnish rosters and post the roster as required.

The Carrier does not deny that the Seniority Roster incorrectly reflects the Claimant's home division but, as noted above, the Carrier relies upon the asserted failure to submit a timely protest. (see Rule ll).

In order to file a timely objection, it is necessary that the Employe be aware of the particular omission and in this case, while the matter was handled on the property, the Organization raised the question of failure to post the list at an appropriate time. We do not find that this assertion was successfully challenged while the matter was under consideration on the property and accordingly we will sustain the claim.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds andholds:

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

That the Agreement was violated.

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: Acting Executive Secretary
National Railroad Adjustment Board

By Rosemarie Brasch
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 26th day of May 1983.