

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25452
Docket Number MS-25647

Eugene T. Herbert. Referee

(Walter F. Kinns, Jr.

PARTIES TO DISPUTE: (

(Consolidated Rail Corporation

STATEMENT OF CLAIM:

"I want my 1976 date on the Roster to be upheld."

OPINION OF BOARD: It is clear that the question brought to this Board by Claimant has been heard and disposed of by Award Number 25218 of the Third Division which stated that:

"As moving party it is incumbent upon the Claimant to show, by means of substantial evidence, that the claim be sustained. What is clear to the Board from the record is that an honest mistake was made when the new roster was prepared prior to the 1982 Agreement. This Board cannot sustain a seniority claim, however, on the basis of a scribner's error. Such claim as the instant one can only be sustained on substantial evidence showing that the Claimant worked in the class in question and received the wage rate of that class prior to April 12, 1982. And no such evidence is present in the record. Further, the Claimant contends that he was told in 1976, that he was hired as a Carpenter. Again, nowhere in the record is it established that the Claimant ever worked in the class nor received the rate of pay of that class prior to April 12, 1982. On the basis of record evidence this claim cannot be sustained:

In order to prevent chaos and multiplicity of appeals, the instant claim will be dismissed for the reason that the issue involved has already been determined by Third Division Award 25218. This claim now being moot is dismissed for lack of jurisdiction by this Division.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

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 lacks jurisdiction over the dispute involved herein; and

That the claim is barred.

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Claim dismissed.

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

Attest:



Nancy J. Dover - Executive Secretary

Dated at Chicago, Illinois, this 23rd day of May 1985.