

The Third Division consisted of the regular members and in addition Referee Peter R. Meyers when award was rendered.

(Brotherhood of Maintenance of Way Employees
PARTIES TO DISPUTE: (
(Consolidated Rail Corporation

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

(1) The claim* as presented to Division Engineer D. J. Kreiss on February 8, 1984 shall be allowed as presented because the claim was not disallowed by Division Engineer D. J. Kreiss in accordance with Rule 26(a) (System Docket CR-903).

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

FINDINGS:

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

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employees within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

Claimant is employed as a bridge and building mechanic by Carrier. On February 2, 3, 6, 7, and 8, 1984, Carrier employed an outside contractor to install chain link fence at its Columbia Yard facility. The Organization thereafter filed a time claim on Claimant's behalf for all time spent in installing the fence. The parties now dispute whether the claim was handled in accordance with the procedural requirements and time limits of the controlling Agreement.

This Board has reviewed the evidence in this case, and we find that the Carrier did not comply with the requirements of Rule 26(a), which requires that the Division Engineer render a decision within 60 days from the filing date of the claim. Therefore, this claim must be sustained on procedural grounds for the failure of the Carrier to timely respond.

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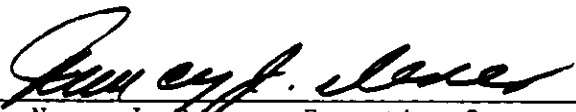
Award No. 27017
Docket No. MW-26580
88-3-85-3-337

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 25th day of April 1988.