

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Award No. 27101
Docket No. MS-26947
88-3-85-3-686

The Third Division consisted of the regular members and in addition Referee Eckehard Muessig when award was rendered.

(John P. Lemkau
PARTIES TO DISPUTE: (
(The Atchison, Topeka and Santa Fe Railway Company

STATEMENT OF CLAIM:

"Whether Claimant is entitled to protective pay for September, 1984 in the sum of \$196.50."

FINDINGS:

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

The carrier or carriers and the employe or employees involved in this dispute are respectively carrier and employes 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.

In this dispute, the Claimant contends that Rule 14-D(2) has been improperly applied and he seeks protective pay in the amount of \$196.50.

The Board has carefully reviewed the record and we find that the claim is moot. In this respect, as confirmed by a letter of July 5, 1985, the claim was disposed of by allowing the Claimant a lump sum of \$86.29. Moreover, the Board also observes that the claim before us does not conform to the essential requirements of Circular No. 1 and, therefore, it is barred at this level.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: 
Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 17th day of May 1988.