

The Third Division consisted of the regular members and in addition Referee Edwin H. Benn 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 Agreement was violated when the Carrier listed Mr. O. K. McConnell ahead of Claimant J. J. Gaydos on the Allegheny 'A' Welder Helper Seniority Roster dated March 1, 1984 (System Docket CR-921).

(2) Claimant J. J. Gaydos shall be listed immediately ahead of Mr. O. K. McConnell on the Allegheny 'A' Welder Helper Seniority Roster with a welder helper's seniority date of May 31, 1977."

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 were given due notice of hearing thereon.

By written protest dated April 18, 1984, Claimant protested the placement of O. K. McConnell ahead of him on the Welder Helper Seniority Roster posted March 1, 1984. No such protest was filed after the posting of the 1982 and 1983 lists which lists had the same order.

Claimant's protest is untimely. The 90 day filing requirement for seniority roster protests specified in Rule 4, Section 6(b) precludes our consideration of the merits of the Claim. See Third Division Award 27313.

A W A R D


Claim dismissed.

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Award No. 27314
Docket No. MW-26772
88-3-85-3-530

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 30th day of August 1988.