

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Award No. 27316
Docket No. MW-26774
88-3-85-3-532

The Third Division consisted of the regular members and in addition Referee Edwin H. Benn when award was rendered.

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

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

(1) The Agreement was violated when the Carrier failed and refused to properly list Mr. N. C. Worgen, Jr. on the Allegheny 'B' Trackman Seniority Roster (System Docket CR-924).

(2) Claimant N. C. Worgen, Jr. shall be listed on the Allegheny 'B' Trackman Seniority Roster with a seniority date of May 3, 1976."

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 March 22, 1984, Claimant protested the Carrier's failure to list him on the 1984 Trackman's Seniority Roster. No written protest was filed over the similar omission from the 1982 and 1983 lists.

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.

Form 1
Page 9

Award No. 27316
Docket No. MW-26774
88-3-85-3-532

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.