

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. R. L. Leach on the Allegheny Division Welder Helper Seniority Roster (System Docket CR-925).

(2) Claimant R. L. Leach shall be listed on the Allegheny Division Welder Helper Seniority Roster with a seniority date equivalent to his 1975 Machine Operator-Grinder seniority date."

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 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 his omission from the 1984 Welder Helper Seniority Roster. No written protest was filed over the similar omission from the 1982 and 1983 rosters.

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. 27317  
Docket No. MW-26777  
88-3-85-3-536

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.