

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 failed and refused to properly list Mr. R. A. Lalli on the Allegheny 'A' Machine Operator Seniority Roster (System Docket CR-922).

(2) Claimant R. A. Lalli shall be listed on the Allegheny 'A' Machine Operator Seniority Roster with seniority in Classes I and II dating from September 19, 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 March 18, 1984, Claimant protested the failure to properly list him on the Allegheny Division Machine Operator Seniority Roster. Although similarly listed on the 1982 and 1983 rosters, Claimant did not file protests concerning those 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. 27318
Docket No. MW-26778
88-3-85-3-537

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.