

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

PARTIES TO DISPUTE: ((Brotherhood of Railroad Signalmen
(Burlington Northern Railroad Company

STATEMENT OF CLAIM: "Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Burlington Northern Railroad Co.:

Case No. 1

Claim on behalf of H. E. Whittles et al for 320 man days or 2,560 straight time hours to be divided between the Claimants at their respective rates of pay as follows:

<u>Name</u>	<u>Position</u>	<u>Hours</u>
H. E. Whittles	Retarder Yard Maintainer	176.8 hours
D. J. Karlovich	Retarder Yard Maintainer	176.8 "
E. A. Richardson	Retarder Yard Maintainer	91.4 "
J. C. Norvell	Retarder Yard Maintainer	176.8 "
T. M. Gielau	Signalman	176.8 "
M. K. Skinner	Signalman	176.8 "
G. D. Barker	Signalman	176.8 "
J. M. Varnold	Signalman	85.4 "
J. J. Shott	Assistant Signalman	176.8 "
W. D. Serdahl	Assistant Signalman	176.8 "
R. D. Simmons	Assistant Signalman	176.8 "
T. R. Pedigo	Assistant Signalman	176.8 "
G. D. Smith	Assistant Signalman	176.8 "
T. E. Gooley	Assistant Signalman	176.8 "
D. E. Malone	Forman (sic)	85.4 "
J. L. Hennefent	Assistant Signalman	176.8 "

This claim account Carrier allowed or permitted outside forces not covered by the agreement to perform signal work and violate the Scope Rule. General Chairman file: C-84-379B. Carrier file: GSI-84-12-1.

Case No. 2

Claim on behalf of H. E. Whittles et al for 300 man days or 2,400 straight time hours to be divided between the Claimants at their respective rates of pay as follows:

<u>Name</u>	<u>Position</u>	<u>Hours</u>
H. E. Whittles	Retarder Yard Maintainer	155 hours
D. J. Karlovich	Retarder Yard Maintainer	155 "
E. A. Richardson	Retarder Yard Maintainer	155 "
J. C. Norvell	Retarder Yard Maintainer	155 "
T. M. Gielau	Signalman	155 "
M. K. Skinner	Signalman	155 "
G. D. Barker	Signalman	155 "
D. E. Cavanah	Signalman	75 "
J. M. Varnold	Signalman	80 "
J. J. Shott	Assistant Signalman	155 "
W. D. Serdahl	Assistant Signalman	155 "
R. D. Simmons	Assistant Signalman	155 "
T. R. Pedigo	Assistant Signalman	155 "
G. D. Smith	Assistant Signalman	155 "
B. E. Lampitt	Assistant Signalman	75 "
T. E. Gooley	Assistant Signalman	80 "
S. W. Boone	Assistant Signalman	75 "
J. M. Houston	Foreman	155 "

This claim account Carrier allowed or permitted outside forces not covered by the Agreement to perform signal work and violate the Scope Rule. General Chairman file: C-84-379. Carrier file: GSI-84-11-30."

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 waived right of appearance at hearing thereon.

The controlling Agreement contains a time limit rule and that rule, in pertinent part, states that all claims must be presented within sixty (60) calendar days from the date of the occurrence on which the claim or grievance is based. In the case at hand, the record shows that the claim before us was presented more than sixty (60) days from the date of the occurrence on which it is based.

While the Board much prefers to consider claims on their merit, we are required to apply the written contractual language. Therefore, the claim before us not being handled in "the usual manner" as required by the Railway Labor Act, it is outside our jurisdiction.

Form 1
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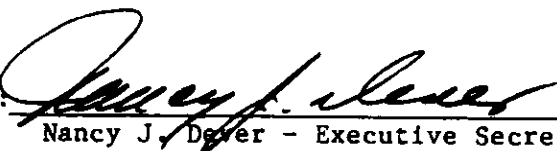
Award No. 27625
Docket No. SG-26848
88-3-85-3-603

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 23rd day of November 1988.