

The Third Division consisted of the regular members and in addition Referee John C. Fletcher 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 listed the name of Mr. L. G. Breckler on the Columbus Division Repairman Seniority Roster with an August 4, 1975 seniority date (System Docket MW-223).

(2) The Carrier shall remove the name of Mr. L. G. Breckler from the Columbus Division Repairman Seniority Roster."

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 waived right of appearance at hearing thereon.

In October 1988, three Columbus Division employees filed roster protest letters complaining that Mr. L. G. Breckler was erroneously shown on the 1988 roster with a date of August 5, 1975. These protest letters were rejected on the basis that Rule 4, Section 6(b) bars any changes in the roster (whether they are in error or not) that have not been timely presented.

This rejection is correct. Paragraph (b) of Rule 4, Section 6, is clear and unambiguous. All roster protests must be made within 90 days of the date the roster was posted. The facts before us (which are unrefuted) indicate that the Columbus Division Roster was posted on March 16, 1988. The first protest concerning Mr. Brecklers' ranking was not made until October 7, 1988, which is well beyond the 90 day period allowed.

The Claim is not supported by the Rule. It must be dismissed.

Form 1
Page 2


Award No. 29116
Docket No. MW-29171
92-3-90-3-26

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 28th day of February 1992.