

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Award No. 29272
Docket No. SG-29389
92-3-90-3-312

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
(Consolidated Rail Corporation)

STATEMENT OF CLAIM: "Claim on behalf the General Committee of the Brotherhood of Railroad Signalmen on the Consolidated Rail Corporation (CONRAIL):

Case No. 1

Claim on behalf of G.M. Terp, for all travel time, mileage and 2 hours for each day of violation, account of Carrier violated the current Signalmen's Agreement, as amended, particularly, Rule 2-A-1, when it did not bulletin certain temporary positions and allowed junior employees from outside of the seniority district to perform signal work on certain dates during February and March 1989. Carrier file SG-93. BRS file Case No. 7937.

Case No. 2

Claim on behalf of B.G. Jones, for payment of \$4,365.24, account of Carrier violated the current Signalmen's Agreement, as amended, particularly, Rule 2-A-1 (a), when junior employees were used to work fiber optics positions during February and March 1989, on Seniority District No. 4. Carrier file SG-95. BRS file Case No. 7939-CR.

Case No. 3

Claim on behalf of V.P. Martell, for payment of \$3,770.38, account of Carrier violated the current Signalmen's Agreement, as amended, particularly, Rule 2-A-1 (a), when it used junior employees to perform signal work on Seniority District No. 4, on certain days during the months of February, March and April 1989, on the Southern Secondary. Carrier file SG-94. BRS file Case No. 7938."

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.

There are three Claimants in this case. On April 3, 1989, two Claimants filed claims which alleged that a violation of Rule 2-A-1(a) of the Agreement had occurred on February 1, 1989, because the Carrier did not advertise positions on the Fiber Optics Gang within Seniority District No. 4. A third Claimant submitted a similar claim on April 10, 1989.

The Carrier on May 10, 1989, denied the three claims because the initial claims were untimely in that they were not presented within 60 calendar days from the date of the occurrence on which the claim was based. In this case, the Carrier submits the occurrence upon which the claims were based happened on February 1, 1989, when the Fiber Optic Gang commenced work.

We agree with the Carrier that the Claims were not filed in a timely fashion. Moreover, we note that the Claim of one of the Claimants was amended on appeal and, on that basis, must also hold it to be procedurally defective.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Bevel - Executive Secretary

Dated at Chicago, Illinois, this 12th day of June 1992.