

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISIONAward No. 30098
Docket No. SG-30742
94-3-92-3-548

The Third Division consisted of the regular members and in addition Referee John C. Fletcher when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
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(Consolidated Rail Corporation

STATEMENT OF CLAIM: "Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Consolidated Rail Corp.:

Claim on behalf of Assistant Inspector J.L. Parker, 236169, headquartered at 31 E. Georgia St. with an advertised job of Trouble Desk, normal tour of duty 7:30 AM - 3:30 PM Tuesday - Saturday.

- (a) Carrier violated Rule 5-A-2 (a) on Sunday, September 23, 1990, when it assigned an employee junior to the Claimant to work a vacant trouble desk position at the overtime rate of pay.
- (b) Carrier should now be required to compensate Claimant eight (8) hours at his overtime rate of pay." Carrier File SG-329. GC File RM2107-42-691. BRS Case No. 8684.

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 employes involved in this dispute are respectively carrier and employe 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.

Carrier raises a threshold issue on time limits which must be disposed of first. It maintains that the claim was time-barred when it was filed, because the date of occurrence was September 23, 1990. The initial claim was not received until November 26, 1990, 64 days later. Examination of the record indicates that Carrier is

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correct. The claim was filed four days late. Further, there is no evidence that this defect was waived. Accordingly, the claim must be dismissed without consideration of the merits of the matter.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: Catherine Loughrin/lw
Catherine Loughrin Interim Secretary to the Board

Dated at Chicago, Illinois, this 4th day of April 1994.