

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 33897
Docket No. SG-34754
00-3-98-3-451**

The Third Division consisted of the regular members and in addition Referee Robert L. Hicks when award was rendered.

**(Brotherhood of Railroad Signalmen
PARTIES TO DISPUTE: (
(Union Pacific Railroad Company (former Southern Pacific)**

STATEMENT OF CLAIM:

“Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Union Pacific Railroad Co. (former Southern Pacific):

Claim on behalf of F.M. Horn, R.M. Rodriguez, I.R. Pena, A.I. Slansky, J.L. Allen, W.D. Cate, D. Leal, and W.T. Geis for payment of an amount equal to the time of the Houston Division employees used to perform work in the San Antonio Division from August 30 to September 27, 1996, account Carrier violated the current Signalmen’s Agreement, particularly Supplement 1, when it used the Houston Division employees on the project in the San Antonio Division without also using the Claimants on the project. Carrier’s File No. 1048313. General Chairman’s File No. SWGC-1406. BRS File Case No. 10663-SP.”

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 employee 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.

Before examining the merits, the Carrier contends that the dispute has been advanced to the Board in violation of Rule 54, which reads as follows:

“. . . All claims or grievances involved in a decision by the highest designated officer shall be barred unless within nine (9) months from the date of said officer's decision proceedings are instituted by the employee or his duly authorized representative before the appropriate division of the National Railroad Adjustment Board or a system, group or regional board of adjustment that has been agreed to by the parties hereto as provided in Section 3 Second of the Railway Labor Act. It is understood, however, that the parties may by agreement in any particular case extend the nine (9) months' period herein referred to.”

During the handling on the property, the Organization asked for and received a 90 day extension to move this claim from the property to this Board. The Organization confirmed the extension and noted the time to file had been extended until June 1, 1998.

For whatever reason, this dispute was not moved to this Board until June 29, 1998. It was filed too late for this Board's consideration. See Third Division Award 27502.

AWARD

Claim dismissed.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Dated at Chicago, Illinois, this 24th day of January, 2000.