

Award No. 9872
Docket No. CL-9249

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Martin I. Rose, Referee

PARTIES TO DISPUTE:

CHICAGO GREAT WESTERN RAILWAY COMPANY

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYEES**

STATEMENT OF CLAIM: (6) Claim that a new unit crane was placed in operation in the Stores Department on or about November 20, 1953, and the operation thereof assigned to an employe outside the scope of the Clerks' Agreement and in violation thereof; that the position be bulletined and assigned to employes covered by the Clerks' Agreement and successful applicant of all resulting vacancies be compensated retroactively to November 20, 1953 for any and all wage loss—Carrier's file K-75, Organization's Case G-554.

OPINION OF BOARD: This case is the same as in Award 9867. For the reasons stated in that award, this claim should also be dismissed.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

That the Carrier and the Employes involved in this dispute are respectively Carrier and Employes within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the claim is barred by Rule 40 (d) of the Agreement.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 23rd day of March, 1961.