

Award No. 9876
Docket No. CL-9253

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 EMPLOYES**

STATEMENT OF CLAIM: (10) Claim in behalf of St. Joseph employees:

(1) D. C. O'Toole for eight (8) hours at the rate of time and one-half of the Chief Clerk—Cashier's position, beginning September 3, 1949 up until the violation is corrected;

(2) W. A. Leucht, Jr., for eight (8) hours at the rate of time and one-half of Yard and Claim Clerk's position, beginning September 5, 1949, up until the violation is corrected;

(3) A. J. Bux for eight (8) hours at the rate of time and one-half of the Freighthouse Foreman's position, for being required to suspend work on his regular position, September 5, 1949; and

(4) Two (2) senior employees currently employed at this station for eight (8) hours each day at the rate of time and one-half account clerical work performed by employees beyond the scope of Clerk's Agreement, from September 1, 1949 up until the violation is corrected.

Carrier's file K-107, Organization's case G-478.

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 Employees involved in this dispute are respectively Carrier and Employees 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.