

Award No. 9891
Docket No. CL-9268

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: (25) Claim in behalf of Messrs. Ernest White, Howard Loban, John Cohn and all other employees involved who are employed at the Oelwein Ice Plant, for the difference in the rate of pay of Laborer and the rate yet to be determined in accordance with Rule 53 of the Clerks' Agreement, such rate of pay retroactive to March 1, 1952, when it is alleged with operation of the new Mechanical Ice Plant, new Machinery and new methods were used and the employees involved were no longer laborers, but were Machine Operators—Carrier's file K-94, Organization's Case G-495.

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.