

Award No. 9892
Docket No. CL-9269

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: (26) Claim in behalf of R. W. Mentzer, incumbent of the position titled Janitor-Baggage-man, at Ft. Dodge, Iowa, and all other incumbents of this position, for October 19, 1953 and all subsequent dates on which they were required to perform the duties of that position at the \$12.32 per day rate, when it is alleged that the work of selling tickets was removed from this position and assigned to an employe within the scope of the Carrier's Agreement with the Order of Railroad Telegraphers—Carrier's file K-116, Organization's case G-550.

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.