

**Award No. 9895**  
**Docket No. CL-9272**

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

**Martin I. Rose, Referee**

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**PARTIES TO DISPUTE:**

**CHICAGO GREAT WESTERN RAILWAY COMPANY**

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

**STATEMENT OF CLAIM:** (29) Claim in behalf of Messrs. B. T. Lonie, A. L. Baker and S. L. White, Yard Clerks, Oelwein, Iowa, for eight (8) hours' pay at the rate of time and one-half of their positions, for each of their rest days on which they were not called to fill the vacancies of the Yard Clerk's position held by O. E. Sager during the period December 17, 1953, to January 11, 1954, inclusive—Carrier's file K-128, Organization's Case C-643.

**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.