

Award No. 9897
Docket No. CL-9274

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: (31) Claim in behalf of W. J. Greulach, G. E. Kinder, J. D. Ferguson, W. J. Besore, T. D. Thomas, G. W. Connor, R. L. Carlson or any other available employe for eight (8) hours a day at the rate of \$16.30 for each day commencing sixty (60) days prior to the date of the initial claim which was May 25, 1955, and all subsequent days on which the Carrier used an employe beyond the scope of the Clerks' Agreement (Mr. L. J. Caparelli) to perform work in the Car Department at Council Bluffs, Iowa—Carrier's file K-178, Organization's Case G-711.

OPINION OF BOARD: This case is the same as in Award 9867 except that the nine months time limit provided in Rule 40 (c) is applicable. 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 (c) 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.