

Award No. 9901
Docket No. CL-9278

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: (35) Claim in behalf of Messrs. R. A. Clark and J. Roth, furloughed employees in District No. 15, for a day's pay each for March 1, 1955 and all subsequent days account not assigned to position of Interline Clerk advertised by Circular No. 325 in District No. 13 in lieu of Mr. Don G. Murray, an employee not covered by the rules of the Clerks' Agreement—Carrier's file K-170, Organization's Case G-715.

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 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 (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.