

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19858
Docket Number CL-19842

Joseph A. Sickles, Referee

(Brotherhood of Railway, Airline and Steamship Clerks,
(Freight Handlers, Express and Station Employees
PARTIES TO DISPUTE: (
(Chicago, Milwaukee, St. Paul and Pacific Railroad Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-7114)
that:

1) Carrier violated, and continues to violate, the Clerks' Rules Agreement when it arbitrarily transferred work and established a position to absorb a portion thereof across seniority district lines.

2) Carrier shall now be required to compensate each of the following employees for two (2) hours per day at the overtime rate of Time Revisor for each regularly assigned work day of their positions from November 1, 1970 until the violation is corrected:

Bruce A. Hamblin
Hermund Larsen
Denise Gransbery
Betty Burch

OPINION OF BOARD: As in Award No. 19857, the Organization protests the transfer of work from one seniority district to another. Many of the same issues are raised, including Carrier's assertion that this is not the proper forum to pass upon Carrier's actions.

In any event, this Board concludes that the claim herein is disposed of in the same manner as the claim in Award No. 19857. Simply stated, the employees failed, on the property, to cite any specific rule of the Agreement as having been violated. This issue was considered and decided by this Referee in Award No. 19855, and the Awards cited therein, and affirmed in Award No. 19857.

Contrary to the record in Award No. 19857, the Organization, in this case, did assert specific rule violations in its Submission to this Board, but, as stated in Award No. 19857, a specific citation at that late stage does not cure the earlier procedural defect. See Awards 18964 (Dugan), 13741 (Dorsey) and 15835 (Ives).

For the reasons stated in Award No. 19857, the claim, herein, is dismissed.

As stated in Award No. 19857, inasmuch as this claim is disposed of on procedural grounds, no determination is made concerning other issues raised by the parties.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties waived oral hearing;

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 be dismissed for reasons set forth in the Opinion.

A W A R D

Claim is dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. Paulsen
Executive Secretary

Dated at Chicago, Illinois, this 13th day of July 1973.