

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20043
Docket Number CL-19822

Joseph A. Sickles, Referee

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

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-7115)
that:

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

2) Carrier shall now be required to compensate employee D. P. DeWalt, and all other employees directly or indirectly affected by the transfer of work from Seniority District No. 155 at Aberdeen, S.D. to Seniority District No. 150 at Minneapolis, Minnesota for eight (8) hours per day for each regularly assigned work day starting January 18, 1971 and all subsequent days until the violation is corrected; compensation and involved employees to be determined by joint check of Carrier's records.

OPINION OF BOARD: In addition to certain jurisdictional arguments, Carrier urges that the claim must fail because the employees did not cite any specific rule violation.

During the handling of the matter on the property the employees alleged a violation of "seniority and related rules." Although Carrier advised the Organization that it had not cited any rule or agreement, the Organization failed to further identify the "violation."

The same basic issue, concerning the same parties, was recently decided by this Referee. A failure to assert a specific rule violation while the matter is handled on the property is fatal to the employees' case, and citation of a specific rule in the Submission to this Board does not cure the earlier procedural defect. See Award 19857, and the Awards cited therein.

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 is dismissed for reasons stated 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 20th day of November 1973.