

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20456  
Docket Number CL-20478

Frederick R. Blackwell, Referee

(Brotherhood of Railway, Airline and Steamship  
( Clerks, Freight Handlers, Express and  
( Station Employees

PARTIES TO DISPUTE: (

(Western Weighing and Inspection Bureau

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood  
(GL-7433) that:

(a) The Bureau improperly applied the wage increases of the National Wage Agreement of February 25, 1971 Case No. A-8853 to the position of Secretary to Assistant Manager, Position No. 49, for the period effective March 13, 1972.

(b) An adjustment to be made in the wages of Claimant B. C. Schuch on Position No. 49, Secretary to Assistant Manager for the period effective July 1, 1972 of \$116.00 per month and continuing until such time as the former rate of pay is reestablished.

OPINION OF BOARD: The Carrier raises two procedural objections to the Board's consideration of the claim. It is said that the claim submitted to the Board is not the same claim that was filed and appealed on the property and, therefore, the claim has not been handled in the usual manner as required by applicable procedures. It is also asserted that the claim was not timely filed under Article V of the August 21, 1954 Agreement.

Part (a) of the Organization's Statement of Claim before this Board deals with an alleged failure of the Carrier to properly apply certain wage increases provided for in a National Wage Agreement. It reads:

"(a) The Bureau improperly applied the wage increases of the National Wage Agreement of February 25, 1971, Case No. A-8853 to the position of Secretary to Assistant Manager, Position No. 49, for the period effective March 13, 1972."

The claim that was originally filed in this case alleged in part:

"This position was fully covered by all of the Rules of the Agreement and at the time it was agreed between the organization and the Bureau to put it under coverage of Scope Rule 1 (c) of the Rules Agreement and that there was an understanding that the rate of pay would be comparable to that of a P.A.D. position.

"The Bureau, for reasons of their own, reduced the rate of pay on this position One Hundred Sixteen Dollars (\$116.00) per month effective March 13, 1972 at the time Diane C. Seitz vacated the position and Claimant B. C. Schuch took over the duties of the position.

We contend that the Rules of our Agreement were violated, especially Rules 1, 3, 19, 39 and 42. This claim is for \$116.00 per month effective July 1, 1972 and continuing until such time as the former rate of pay is re-established. The \$116.00 per month represents the difference between the old rate and the new rate on this position."

A plain reading of the Statement of Claim submitted to this Board and the claim that was originally filed makes it clear that a substantial variance exists between the two. The rules relied upon differ, the facts supporting the alleged violation differ, and the claims appear to have different underlying theories. We therefore conclude that the claim submitted to the Board, being substantially different from the claim filed and handled on the property, cannot be said to have been handled in the usual manner. Accordingly, we shall dismiss the claim.

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 Employee involved in this dispute are respectively Carrier and Employee 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 was not handled in the usual manner.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

  
Executive Secretary

Dated at Chicago, Illinois this 25th day of October 1974.