

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20457  
Docket Number CL-20499

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-7452) 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. 047 for the period effective September 11, 1972.

(b) An adjustment to be made in the wages of Claimant Mary Ann Hynes on Position No. 047, Secretary to Assistant Manager for the period effective September 11, 1972 of \$150.00 per month and continuing until such time as the former rate of pay is reestablished.

OPINION OF BOARD: We shall dispose of this case in line with our disposition of a similar claim in Award 20456. In that docket the Carrier raised, *inter alia*, the procedural objection that the claim submitted to this Board was not the same claim that was filed and appealed on the property and, therefore, the claim had not been handled in the usual manner as required by applicable procedures. We sustained the Carrier's objection in Award 20456, which resulted in dismissal of the claim. The Carrier raises the same procedural objection here; the objection is well taken and we shall dismiss this claim also.

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. 047 for the period effective September 11, 1972."

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

"At the time this position was under coverage of Scope Rule 1 (c) the Bureau requested it to be put under coverage of Scope Rule 1 (b) and through a Memorandum of Agreement it

"was agreed to with the understanding the rate of pay would be commensurate to that of positions in that category.

The Bureau, for reasons of their own, arbitrarily reduced the rate of pay on this position One Hundred Fifty Dollars (\$150.00) per month effective September 11, 1972 at the time Mary Ann Hynes took over the duties of the position.

We contend that the Rules of our Agreement were violated, especially Rules 1, 3, 45 and 53 and Memorandum of Agreement. This claim is for \$150.00 per month effective September 11, 1972 and continuing until such time as the former rate of pay is re-established. The \$150.00 per month represents the difference between the old 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 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 was not handled in the usual manner.

Award Number 20457  
Docket Number CL-20499

Page 3

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Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST: A.W. Paulsen  
Executive Secretary

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