

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20790  
Docket Number MW-20779

Francis X. Quinn, Referee

PARTIES TO DISPUTE: ( (Brotherhood of Maintenance of Way Employes  
(Chicago and North Western Transportation Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that:

(1) The claim \* presented by Local Chairman Claude E. Henderson on October 13, 1972, to Roadmaster R. J. Hendershot, should be allowed as presented, because said claim was not disallowed by Roadmaster R. J. Hendershot in accordance with the provisions of Article V of the August 21, 1954 National Agreement (System File 81-1-196).

"(\*) The claim, as presented, reads:

'Because of the aforesaid violations, I am requesting that Mr. Harriss be awarded the position of assistant foreman-truck driver as advertised by Bulletin No. 21, with a seniority date in that class as of September 16, 1972. Please advise when Mr. Harriss has been assigned to this position.'

OPINION OF BOARD: The instant claim is based on the premise that Carrier was precluded from disallowing the Claim by any representative other than the officer who was authorized to receive the claim. The controlling agreement does not so restrict Carriers. Therefore the claim will be denied.

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 Employes involved in this dispute are respectively Carrier and Employes 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

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That the Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST: A. W. Pauls  
Executive Secretary

Dated at Chicago, Illinois, this 31st day of July 1975.