

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23519
Docket Number CL-23371

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 Committee of the Brotherhood (GL-8983) that:

1. Carrier violated, and continues to violate the Clerks' Rules Agreement at Milwaukee, Wisconsin when it arbitrarily disqualified employee P. M. Bigley on Morse Printer Operator Position No. 73330.
2. Carrier further violated the Agreement when it refused to grant employee Bigley an investigation as per his request in line with the provisions of Rule 22 (f).

Carrier shall now be required to recognize employee Bigley's seniority and promotional rights, by assigning him to Position No. 73330 and compensating him for an additional day's pay at the appropriate rate for each workday he is denied his contractual rights to that position commencing May 8, 1978.

4. Carrier shall further be required to pay interest in the amount of seven and one-half ($7\frac{1}{2}$) percent per annum on all wage loss sustained as set forth under Item 3 above until the violation is corrected.

OPINION OF BOARD: The pertinent Agreement provides that an employee who considers himself unjustly treated has certain rights to an investigation and appeal if written request is made within 15 days from the cause of the complaint.

We have reviewed the record at length, and we are of the view that the unjust treatment request was not made within the contractually provided time period, and accordingly we will deny 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;

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That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

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. Paulsen*
Executive Secretary

Dated at Chicago, Illinois, this 29th day of January 1982.

