

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 26542
Docket Number MW-26234

Rodney E. Dennis, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(Consolidated Rail Corporation

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

(1) The Agreement was violated when outside forces were used to clear right-of-way at Cherry Tree, Pennsylvania from July 5 to August 31, 1983 (System Dockets CR-537 and CR-538).

(2) As a consequence of the aforesaid violation, Machine Operators W. F. Shiock and L. F. Viehdorfer shall each be allowed eight (8) hours of pay at the machine operator's rate for each work day, retroactive sixty (60) days from October 5, 1983, on which the outside concern performed the work referred to in Part (1) hereof."

OPINION OF BOARD: This Board has been presented with a number of Claims involving the subcontracting of Maintenance of Way work to outside forces. In reviewing and rendering Third Division Award 26314 (with Dissent by Carrier Members), we explained in detail the Board's position on use of outside forces, however, because this Claim was not timely handled by the Organization on the property, we have no other recourse than to dismiss same without reaching the merits.

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 barred.

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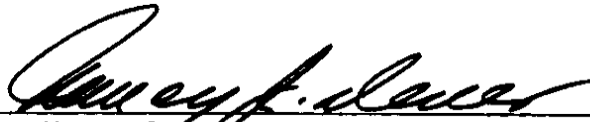
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Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 30th day of September 1987.