

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 26543
Docket Number MW-26289

Rodney E. Dennis, Referee

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

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

(1) The Carrier violated the Agreement when it assigned outside forces to cut trees and brush on the Allegheny Division July 18, 1983 to January 31, 1984 (System Docket CR-583).

(2) As a consequence of the aforesaid violation, Machine Operator J. Cavallo shall be allowed pay at the Class 2 machine operator's rate for an equal number of man-hours expended by outside forces beginning sixty (60) days retroactive from September 29, 1983."

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 No. 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 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

That the Claim is barred.

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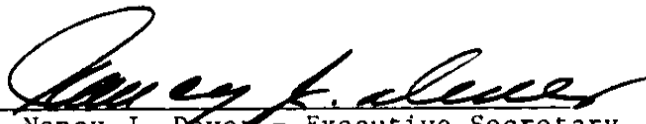
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A W A R D

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.