

The Third Division consisted of the regular members and in addition Referee Edwin H. Benn when award was rendered.

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 the Carrier failed and refused to properly list Mr. R. L. Kadri on the Youngstown Division Lubricator Maintainer Seniority Roster (System Docket CR-859).

(2) Claimant R. L. Kadri shall be listed immediately ahead of Mr. T. A. Houser on the Youngstown Division Lubricator Maintainer Seniority Roster with a seniority date of May 17, 1982."

FINDINGS:

The Third Division of the Adjustment Board upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employees within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute were given due notice of hearing thereon.

By written protest dated March 1, 1984, Claimant asserted that he should be listed as number 4 on the Lubricator Maintainer Seniority Roster instead of T. A. Houser. The 1983 roster was posted without protest by Claimant and contained Houser's name in the same position.

Claimant's protest is untimely. The 90 day filing requirement for seniority roster protests specified in Rule 4, Section 6(b) precludes our consideration of the merits of the Claim. See Third Division Award 27313.

A W A R D

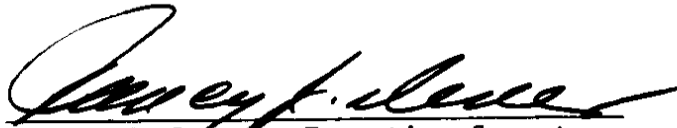
Claim dismissed.

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Award No. 27315
Docket No. MW-26773
88-3-85-3-531

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Devel - Executive Secretary

Dated at Chicago, Illinois, this 30th day of August 1988.