

The Third Division consisted of the regular members and in addition Referee Eckehard Muessig when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(CSX Transportation, Inc.
(Chesapeake and Ohio Railway Company)

STATEMENT OF CLAIM: "Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Chesapeake and Ohio Railroad Company (C&O):

Statement of Claim:

(a) Carrier violated the parties' Schedule Agreement as amended, particularly Rules 43, 50 and 52, when it failed to issue (1) system advertising bulletins and/or awards in accordance with requirements of Rules 43(b)(h)(j), 50(a) and 52(a)(b); and (2) system displacement bulletins in accordance with the requirements of Rule 43(j).

(b) Carrier comply with time limit provisions of Rules 50 and 52 and discontinue the practice of post-dating system advertising job bulletins;

(c) Carrier allow employee(s) a seniority date in higher class(es) in accordance with provisions of Rule 43(j) when applicable. In the event such position is not advertised and/or awarded in accordance with the time limits referred to above, such employee to be granted a seniority date in the higher class(es) accordingly;

(d) Carrier further allow employees awarded system gang positions the current per diem allowance referred to in Rule 64(f)3.a when the position is not advertised and/or awarded in accordance with the time limits spelled out in Rules 50(a) and/or 52(a);

(e) Carrier further allow each employee adversely affected by its violation of the time limits of Rules 50(a) and/or 52(a) one dollar per calendar day in addition to the per diem allowance referred in paragraph (d) above until such time limits are complied with; and

(f) Inasmuch as this is a continuing violation, said monetary claim is to be retroactive 60 days from date of filing and is to continue until such time as Carrier takes necessary corrective action to comply with violations cited above.

G.C. file 87-4-CD. Carrier file 15-43 (87-22)."

FINDINGS:

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

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employes 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 waived right of appearance at hearing thereon.


The Board has carefully reviewed the record progressed by the parties. In essence, what we have before us is an initial Claim that was vague and lacked a sufficient specificity for the Carrier to act upon. Although correspondence in the record provides some additional clarification as to the specifics of the initial Claim, and while we understand the arguments made by the Organization before this Board, we must dismiss the Claim because it was neither timely filed, nor specific enough for the Carrier to act upon it.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Bever - Executive Secretary

Dated at Chicago, Illinois, this 28th day of February 1990.