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NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Award No. 29553
Docket No. SG-30204
93-3-91-3-668

The Third Division consisted of the regular members and in addition Referee John C. Fletcher when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(
(CSX Transportation, Inc. (former
(Louisville & Nashville Railroad Company)

STATEMENT OF CLAIM:

"Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the CSX Transportation, Inc. (L&N):

Carrier violated the current Signalmen's Agreement, as amended, particularly, APPENDIX "U", when it continues to fail to bring the headquarters of this Signal Crew, up to specifications set forth in the Agreement." Carrier's File No. 15 (91-04). Gen'l. Chmn's. File No. 90-208-10. BRS File Case No. 8473-CSXT.L&N."

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 employe 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 Organization brings this matter before the Board on an allegation that Paragraph 13 of Appendix U to its Agreement was violated when Carrier failed to provide adequate locker and clean-up facilities for the signal crew working out of Cartersville, Georgia. Carrier responds to the Claim with a number of defenses, including an allegation that this is an appeal of a Claim that had been withdrawn on September 5, 1991, following a claims conference

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held on July 17, 1991. The evidence in the record supports this contention of Carrier. It is apparent that this matter was withdrawn by letter dated September 5, 1991, from the General Chairman to Carrier's Director Labor Relations. Accordingly, the matter has been improperly appealed to the Board.

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 9th day of March 1993.