

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 32700
Docket No. MW-31801
98-3-94-3-85**

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

**(Brotherhood of Maintenance of Way Employees
PARTIES TO DISPUTE: (
(CSX Transportation, Inc. (former Seaboard Coast
(Line Railroad Company)**

STATEMENT OF CLAIM:

“Claim of the System Committee of the Brotherhood that:

- (1) The Carrier violated the Agreement when, without a conference having been held between the chief engineering officer and the General Chairman to discuss grading work, as required by Rule 2, it assigned or otherwise permitted outside forces (Stancil Ratliff) to perform Maintenance of Way work (grading roads) in the vicinity of the North Departure Yard, Receiving Yard A and Hamlet Yard, Hamlet, North Carolina on November 23 through December 31, 1992 [System File HAL-93-86/12(93-392) SSY].**
- (2) The claim* as presented by Vice Chairman Shearin on January 22, 1993 to Division Engineer J. C. Tomkins shall be allowed because said claim was not disallowed by Division Engineer J. C. Tomkins in accordance with Rule 40 of the Agreement.**
- (3) As a consequence of the violations referred to in Parts (1) and/or (2) above, the Claimants** listed below shall each be allowed pay at the applicable Group A Operator's rate, for an equal proportionate share of the total number of man-hours expended by the outside forces in the performance of the work in question.**

****J. W. Shaw
B. C. Steen
D. K. Lamie
C. L. Snuggs
B. Bridges
G. Sills
W. Oliver
D. L. Herring
J. L. Kelly
A. R. Bizzard**

**B. M. Warren
D. R. Curtis
R. E. Winstead
H. L. Driver
L. B. Williams
C. L. Curlings
K. T. Griffin
E. Helms
W. D. Dorsey"**

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 employee 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.

This claim was filed January 22, 1993. By letter dated February 23, 1993, the Carrier took the position that this claim would not be considered because it duplicated another claim filed January 13, 1993.

The record supports the Carrier's position that this claim is a duplicate of a previously filed claim. The Carrier's response to this claim was sufficient and timely.

This claim is dismissed as duplicative.

AWARD

Claim dismissed.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division**

Dated at Chicago, Illinois, this 19th day of August 1998.