

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 36417
Docket No. CL-37118
03-3-02-3-60**

The Third Division consisted of the regular members and in addition Referee Rodney E. Dennis when award was rendered.

PARTIES TO DISPUTE: (Transportation Communications International Union
(National Railroad Passenger Corporation (Amtrak))

STATEMENT OF CLAIM:

"Claim of the System Committee of the Organization (GL-12788) that:

- (A) The Carrier violated the Amtrak-Northeast Corridor Clerk's Rules Agreement, particularly Rule(s) Appendix E, Article 6, paragraph A, other rules that may apply when the Carrier failed to work Claimant Louise Laham, but instead worked junior employee Sonya Martin on position BAC-800 on August 24th, 2000 and August 28th, 2000 at the executive office located at South Boston station.
- (B) Claimant Louise Laham now be allowed eight (8) hours pay at the punitive rate of \$19.12 per hour for August 24, 2000 and August 28, 2000.
- (C) Claimant was available and should have been allowed to work in accordance with the Rules Agreement.
- (D) This claim has been presented in accordance with Rule 25 and should be allowed."

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.

The claim in this instance is simple and straightforward. The Carrier is accused of not calling Claimant Louise Laham on August 24 and 28, 2000 to work vacancies in the Executive Office in Boston, Massachusetts. Instead, it used an employee junior to the Claimant to cover the assignment.

The claim was written up and sent to Dan Rampino on September 28, 2000. On October 2, 2000, he responded to the TCU District Chairman informing him that he was not the Claimant's Supervisor and the claim should not have been initially filed with him. In his letter he noted the name and address of the Claimant's Supervisor. The claim was not sent to the Claimant's Supervisor, but was processed by the Organization instead as if it had been correctly filed at the outset. The Carrier took the position throughout the handling of the case that the claim was not valid because it was filed with the wrong person.

After a review of the record, the Board has concluded that the claim was not properly filed and it is therefore dismissed.

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 17th day of March 2003.