

SPECIAL BOARD OF ADJUSTMENT NO. 1016

Parties
to the
Dispute

BROTHERHOOD OF MAINTENANCE OF
WAY EMPLOYEES

and

CONSOLIDATED RAIL CORPORATION

Case No. 21

STATEMENT OF CLAIM

(1) The Carrier violated the Agreement when it used repairmen and repairman helpers to perform B&B mechanic's work at the Canton Mofw Shop on August 6, 7, 8, 9, 12, 13, 14, 15, 16, 19, 20, 21, 30 and September 3, 4, 5 and 6, 1985.

(2) Because of the aforesaid violation, furloughed B&B mechanic K. Curtis shall be allowed one hundred thirty-six (136) hours of pay at the B&B Mechanics rate.

OPINION OF THE BOARD

Claimant in this case was a furloughed B&B Mechanic on the Youngstown Division seniority list. He was under the jurisdiction of the Division Engineer in that

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division. He filed a claim with the Shop Superintendent of the Canton Shops, in a different seniority district, because he alleged that Repairmen were performing work in the Canton Shops that belonged to B&B Mechanics.

Carrier contends that the instant claim was improperly filed, since it should have been filed with the Division Engineer, Youngstown Division, not with the Superintendent of the Canton Shops.

The Organization argues that the claim should be filed at the location where the alleged infraction took place, not necessarily where the Claimant is employed.

This Board has reviewed the record and the arguments presented by both sides. We are of the opinion that the claim was filed with the wrong Supervisor and, consequently, it is not a valid claim and must be dismissed.

AWARD

The claim is dismissed.

R. F. Dennis
R. Dennis, Neutral Member

S. Powers
S. Powers, Employee Member

J. H. Burton
J. Burton, Carrier Member

I dissent
June 17, 1942
Date of Approval