

Referee John H. Dorsey

PARTIES  
TO  
DISPUTE

United Transportation Union  
(Formerly Brotherhood of Railroad Trainmen)  
  
The Baltimore and Annapolis Railroad Company

STATEMENT  
OF CLAIM:

Claim of J. J. Woods, W. P. Sweet, L. Allen Chalker and any and all other driver employees known by the Carrier to have worked those assignments known as Binge runs between October 1, 1967 and February 10th, 1968, the difference between three dollars and forty-four cents (\$3.44) each assignment should have paid and the one dollar and seventy-five cents (\$1.75) actually paid, or approximately one dollar and sixty-nine cents (\$1.69) for each assignment worked by the driver employees covered by the working agreement.

OPINION  
OF BOARD:

Article 4, Section 3 (d) of the applicable Agreement in this dispute provides:

"All claims or grievances involved in a decision by the President shall be barred unless within ninety (90) days from the date of the President's decision proceedings are instituted before the appropriate division of the National Railroad Adjustment Board. \* \* \*"

The President of the Carrier denied the claim on June 15, 1968 (Employes' Exhibit IV). The Employes' Initial Submission was filed with the Executive Secretary, Fourth Division, National Railroad Adjustment Board on September 23, 1968, or 99 days after the President denied the claim. This Division is the "appropriate division of the National Railroad Adjustment Board" to handle this claim.

The claim not having been filed with the appropriate division of the National Railroad Adjustment Board within the time provided in Article 4 Section 3 (d) is barred.

FINDINGS:

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

The carrier and the 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.

The parties to said dispute were given due notice of hearing thereon.

The parties to said dispute waived right of appearance at hearing, but were granted privilege of appearing before the Division, with the Referee sitting as a member thereof, to present oral argument.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Fourth Division

ATTEST: *Muriel L. Humfreville*  
Muriel L. Humfreville  
Secretary

Dated at Chicago, Illinois, this 24th day of March, 1969.