

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD  
FOURTH DIVISION

Award No. 4868  
Docket No. 4841  
92-4-91-4-16

The Fourth Division consisted of the regular members and in addition Referee James E. Mason when award was rendered.

(United Transportation Union -  
(Yardmasters Department

PARTIES TO DISPUTE:

(  
(Chicago and North Western  
(Transportation Company

STATEMENT OF CLAIM:

Claim and request that Yardmaster J. G. Saville be allowed one day's pay at the Yardmaster punitive rate of pay for date of May 13, 1990 account not being called to fill vacancy on regular yardmaster position 002. Regular position blanked in violation of Rule 4 of the Agreement.

FINDINGS:

The Fourth 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 procedural and jurisdictional arguments and contentions contained in this case are a repeat of those contained in Award 4867. The names and dates are different, but the allegations relative to an untimely denial of the claim and a failure to include a reference to a time limit violation in the Statement of Claim to this Board are exactly the same as in Award 4867.

For the reasons as outlined in Award 4867, this claim is dismissed without reaching any conclusion on the merits, or lack thereof, or on the alleged time limit violation.

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A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Fourth Division

Attest:

  
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Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 19th day of November 1992.