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NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 6556
Docket No. 6344
2-LV-CM-'73

The Second Division consisted of the regular members and in addition Referee Irwin M. Lieberman when award was rendered.

Parties to Dispute:

(System Federation No. 96, Railway Employees'
(Department, A. F. of L. - C. I. O.
((Carmen)
(
(Lehigh Valley Railroad Company

Dispute: Claim of Employees:

That under the provisions of the controlling agreement, the Carrier on July 16, 1971 violated said agreement by using four (4) ground men from a private concern to hook up with cables and chains eight (8) cars at derailment at Cemetary Road, near Lancaster, N. Y.

That accordingly the Carrier be ordered to compensate four regularly assigned Carmen of the wreck train crew, or four Carmen assigned as extra members of the wreck train crew, or four Carmen off the overtime list as per Rule 11, at their applicable time and one-half rate of pay for all hours worked by the four (4) ground men from the private concern on July 16, 1971.

Findings:

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

The carrier or carriers and the employe or employees 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 dispute in this case involved the use of an outside contractor in conjunction with a wrecking crew in a derailment. Carrier urges that the matter be dismissed in that claim does not conform with the provisions of the time limit rule. Article V of the National Agreement of August 21, 1954 provides in part:

"(a) All Claims or grievances must be presented in writing by or on behalf of the employe involved"

The claim in this matter was presented on behalf of:

"....four regular assigned or four regular extra assigned wreck trainmen or four carmen off the overtime list...."

The claim further requests that the employees above:

"....be compensated the applicable time and one-half rate of pay for all hours worked by the four ground men from the private concern on July 16, 1971."

The record casts no light on the number of hours worked by the contractors crew nor does it contain information on the specific activities performed by that crew on the day in question.

In support of its position Petitioner cites Award 5643 in which the claim was filed on behalf of two Carmen at the top of the Overtime Board and in which case we found that the names of the Claimants could be easily ascertained. We believe, however, that the better reasoning is expressed in Award 3549 in which we said:

"The first requirement of the Time Limit Rule is that a claim or grievance be presented in writing by or on behalf of the employee involved. When there is no identifiable claimant or ascertainable amount claimed there is no claim which can be allowed by the Carrier or sustained by the Division."

It is a well established principle that claims must be specific and that Carrier is under no obligation to develop the claim for the Petitioner (see for instance 2nd Division Awards 3576 and 5423 and Third Division Award 16675). In this case we are convinced that the Petitioner could have been more precise and specific in its claim (and supporting data); since in this case neither the claimants are identified nor is the amount of damages indicated, we are unable to deal with the merits and must dismiss the matter.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By: Rosemarie Brasch
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 18th day of July, 1973.