

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

Award No. 13330

Docket No. 13080

98-2-95-2-109

The Second Division consisted of the regular members and in addition Referee Eckehard Muessig when award was rendered.

(International Brotherhood of Electrical Workers
(System Council No. 14

PARTIES TO DISPUTE: (

(Southern Pacific Transportation Company
((Western Lines)

STATEMENT OF CLAIM:

- “1. That Carrier violated the current Agreement, as amended, between the Southern Pacific Transportation Company (Western Lines) and the International Brotherhood of Electrical Workers, in particular Rule 38, when it failed to notify the Local Chairman within sixty (60) days from the date the claim was filed on the property, and;
2. Therefore, the Southern Pacific Transportation Company (Western Lines) should accordingly be ordered to compensate Mechanical Department Electricians J.G. Hernandez, V. Gordon, J. Powell, A. Keller, R.W. Benoit, H.E. Nygard, and R. Juarros, as specified in the time claim handled on the property, for the total amount of hours that Carrier Supervisor Marin worked performing Electrical Workers’ repairs and/or work on locomotives from January 1st through and including March 15th, 1994, a total of one thousand, one hundred and thirty-six (1,136) hours. The total hours worked to be paid at the electricians overtime rate of pay to be divided equally among the named Claimants.”

FINDINGS:

The Second 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.

After a careful review of the on-the-property record, the Board must deny the claim because it is procedurally defective as summarized below.

The initial claim was filed on January 18, 1994 for "eight (8) hours additional compensation at the time and one-half rate for every day "for electrician's overtime board." On January 20, 1994, the claim was amended to change the January 18 date to January 13. The Carrier denied the claim by two letters dated March 8, 1994.

The Organization, by letter dated March 30, progressed the claim. In lieu of citing the "electrician's overtime board," the Organization named seven Electricians as the Claimants. Everything else in the March 30 letter is identical to the claims presented in the January 18 and 20 claim letters.

The Organization's claim before this Board is that the Carrier violated Rule 38, Time Limits, when it failed to respond to the Organization's claim of March 30, 1994.

As we read this record, the March 30 letter is simply an addendum to the initial claim of January 18. If the March 30 letter was accepted as a "new" claim, it would be barred under Rule 38 for not being filed in a timely manner.

AWARD

Claim denied.

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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 Second Division

Dated at Chicago, Illinois, this 8th day of October 1998.