

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Paul C. Dugan, Referee

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY, AIRLINE AND STEAMSHIP
CLERKS, FREIGHT HANDLERS, EXPRESS AND
STATION EMPLOYES**

NORTHERN PACIFIC RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-6645) that:

1. The Carrier violated the provisions of the Clerks' Agreement, effective July 1, 1963, when it assigned Special Accountant R. H. Carolton, employed in the Comptroller's Office, St. Paul General Office, to perform the work of balancing money owed to other Carriers as a result of distribution through overcharge and loss and damage claims; to perform the work of balancing money owed the Northern Pacific Railway by other Carriers for loss and damage in overcharge claims; to process drafts received from the Treasury Department; and to perform the work of balancing of drafts paid by other Carriers that have not been cashed; on twenty successive workdays from September 4, 1967 to September 29, 1967, inclusive, excluding September 9, 10, 16 and 17, 1967.

2. The Carrier violated Rule 55 of the July 1, 1963 Clerks' Agreement when it failed to allow the claim of J. R. Koch, Jr., Bureau Chief, Freight Revenue Accounting Department, St. Paul General Office, as presented.

3. The Carrier shall now be required to compensate J. R. Koch, Jr. at the rate of \$25.52 per day on each of the twenty workdays occurring during the period September 4, 1967 to September 29, 1967, inclusive, excluding September 9, 10, 16 and 17, 1967, in addition to the compensation already paid.

EMPLOYEES' STATEMENT OF FACTS: The Comptroller's Department constitutes one seniority district and the Freight Revenue Accounting Department constitutes one seniority district in the application of Rule 4 of the July 1, 1963 Clerks' Agreement. These seniority districts are located in the St. Paul General Office.

J. R. Koch, Jr., who has acquired a seniority date of February 11, 1941 in the Freight Revenue Accounting Department, is assigned to a position

Enclosed as Carrier's Exhibit A is all correspondence concerning the handling of this claim on the property.

(Exhibits not reproduced.)

OPINION OF BOARD: The record in this case reveals that this claim was filed with Carrier on October 18, 1967; however, it was not denied by Carrier until December 26, 1967, sixty-nine (69) days subsequent to its presentation by the Organization. Accordingly, pursuant to Article V of the August 21, 1954 Agreement, Carrier violated the time limit and the claim, Part 3, should be paid as presented.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties waived oral hearing;

That the Carrier and the Employees involved in this dispute are respectively Carrier and Employees within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the Agreement was violated as indicated in the Opinion.

AWARD

Claim sustained as indicated in the Opinion and Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 11th day of September 1970.

Serial No. 250

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Interpretation No. 1 to Award No. 18079

Docket No. CL-18391

Name of Organization:

**BROTHERHOOD OF RAILWAY, AIRLINE AND STEAMSHIP
CLERKS, FREIGHT HANDLERS, EXPRESS AND
STATION EMPLOYES**

Name of Carrier:

NORTHERN PACIFIC RAILWAY COMPANY

Upon application of the representatives of the Employees involved in the above Award, that this Division interpret the same in light of the dispute between the parties as to the meaning and application, as provided for in Section 3, First (m) of the Railway Labor Act, as approved June 21, 1934, the following interpretation is made:

The Organization is complaining that Carrier refuses to compensate the claimant \$25.52 per day on days claimant did not occupy the position in question due to promotion, vacation, leave of absence or vacation.

However, the claim as presented to this Board is for payment to claimant "at the rate of \$25.52 per day on each of the twenty workdays occurring during the period September 4, 1967 to September 29, 1967, inclusive, excluding September 9, 10, 16 and 17, 1967, in addition to the compensation already paid."

This Board is without authority to expand a claim. We are limited, if we find a violation, as we did in the instant claim, to allowing the claim as presented before this Board. Therefore, the Organization's contention in this regard is without merit and must be denied.

Referee Paul C. Dugan, who sat with the Division, as a neutral member, when Award No. 18079 was adopted, also participated with the Division in making this interpretation.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION**

**ATTEST: E. A. Killeen
Executive Secretary**

Dated at Chicago, Illinois, this 29th day of October 1971.

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