

Award No. 18510  
Docket No. MS-18958

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

Arthur W. Devine, Referee

**PARTIES TO DISPUTE:**

**MR. JOHN NEWTON, et al**

**MISSOURI PACIFIC RAILROAD COMPANY**

**STATEMENT OF CLAIM: THE PARTIES TO THE DISPUTE ARE:**

**I.**

(1) The Missouri Pacific Railroad Company (Carrier); and

(2) John Newton, Nora Addison, Clarence Ambush, Clarence Culbert, Herbert L. Wallace, Luther Wallace, Jr., George Brown, Joe Burgess, Henry Burns, John Calhoun, Bradford Davis, Napoleon Garrett, Curtis Hayes, James Hazel, William Jones, Leonard Lawson, Abe Lowe, Julius L. Iles, Willie Nash, James Perry, Henry Polk, Foisy Spottsville, James W. Tademy and Claude L. Williams (Employees).

**II.**

**THE QUESTION INVOLVED IS:**

Whether employees are entitled to supplemental unemployment benefits and furlough allowances under the terms of the April 17, 1963 Memorandum of Agreement between the Carrier and the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees, representative of the employees, hereinafter referred to as the Union.

**III.**

**A DESCRIPTION OF THE DISPUTE IS AS FOLLOWS:**

Employees were members of and represented by the Union at all times material herein.

On April 17, 1963 the Carrier and the Union entered into a Memorandum of Agreement providing for certain benefits to employees, termed Supplemental Unemployment Benefits or Furlough Allowances, upon abolishment by the Carrier of employees' positions.

On or about August 30, 1963 the Carrier abolished the position of all the employees by discontinuing operations at its freight warehouse on Tenth Street in Alexandria, Louisiana.

Although the employes have remained available for work since April 30, 1963, they have not been replaced in employment positions by the Carrier.

Further, although employes qualify for Supplemental Unemployment Benefits and Furlough Allowances under the terms of the Memorandum of Agreement of April 17, 1963, they have not received such benefits from the Carrier.

#### IV.

Employes certify they have supplied the Carrier with this notice by depositing a copy in the U. S. Mail, postage prepaid, addressed to the Carrier, Missouri Pacific Railroad Company, at 210 North 13th Street, St. Louis, Missouri 63103, care of its Labor Relations Director, on this the 15th day of May, 1970.

**OPINION OF BOARD:** The record discloses that this claim was never handled in the usual manner on the property as prescribed by Section 3, First (i) of the Railway Labor Act nor was it filed with the officer of the Carrier authorized to receive same, within the time limits as prescribed by Rule 43 of the Controlling Agreement. Accordingly, the claim must be dismissed.

**FINDINGS:** The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

That the Carrier and the Employes involved in this dispute are respectively Carrier and Employes 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.

#### AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of THIRD DIVISION

ATTEST: E. A. Killeen  
Executive Secretary

Dated at Chicago, Illinois, this 23rd day of April 1971.