

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22539
Docket Number MSX-21079

George S. Roukis, Referee

(Frances Davis and Helen S. Frederick

PARTIES TO DISPUTE: (

(REA Express, Inc.

STATEMENT OF CLAIM: "This is to **serve** notice, as required by the rules of the National Railroad **Adjustment** Board, of our intention to file an **ex** parte submission on December 22, 1974 covering an unadjusted dispute between us **and** the Railway Express Agency **now known** as **REA** Express involving the question:

1. that correspondents were entitled to 781 sub day payments of supplemental employment benefits under the provisions of the book of rules, page 24, Railway Labor Act, Labor Management Act of 1947, and Labor Management **Reporting and Disclosure** Act of 1959, as said acts may be amended to date;
2. that as of October 5, 1973 and to date, **Correspon-**dents have received only 552 **and** 555 sub day payments of **supplemental** employment benefits;
3. that Correspondents have not received full **payment** pursuant to the above cited rules and regulations duly enacted and in force at the time of their furlough and are entitled to such payments as are due and owed to them; including full seniority rights and other benefits due correspondents."

OPINION OF BOARD: This Board has carefully reviewed the fact specifics of this dispute and finds that petitioners are **not** entitled to the relief requested.

Rule 13(c) which they rely upon was amended by Rule **IX** of the **May** 3, 1973 Agreement and limits the benefit payments to 90 days.

Since petitioners were covered by the aforesaid rule modification with the exception of the provision protecting **employees** affected by Arbitration Board No. 312, we **must** conclude as a matter of fact and law that they received their full benefit entitlements.

Petitioners were furloughed from service more than a year before the consolidation of the New York and Chattanooga Regional Accounting Offices was consummated on September 4, 1972. Their status was not affected by this development.

Inasmuch as they were covered by the remainder of the **Rule** 13 clauses, they received their full benefits by October 5, 1973. As such, we are compelled by the facts of record to deny the claim.

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 not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD **ADJUSTMENT** BOARD
By Order of Third Division

ATTEST:


Executive Secretary

Dated at Chicago, Illinois, this 28th day of September 1979.