

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25323  
Docket Number CL-25009

I. M. Lieberman, Referee

(Brotherhood of Railway, Airline and Steamship Clerks,  
{ Freight Handlers, Express and Station Employees

PARTIES TO DISPUTE: {

(Northeast Illinois Regional Commuter Railroad Corporation

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-9751) that:

1. Carrier violated schedule rules, particularly Rule 51, when it failed to disallow claim in behalf of Mr. Denton Fuller within sixty (60) days from the date same was filed, and

2. Carrier shall now be required to compensate Claimant eight (8) hours at the pro rata rate on each date of April 4, 5 and 6, 1981.

OPINION OF BOARD: The dispute herein is based solely on an alleged time limits violation by Carrier. The sequence of events took place during the transition between the operation of this Carrier by the Chicago, Rock Island & Pacific Railroad Company and the ultimate operation by the Northeast Illinois Regional Commuter Railroad Corporation. During the period in question the commuter line was operated on an Agency basis by the Chicago and North Western Transportation company. The NIRCRC assumed management of the property effective June 1, 1981.

The facts in this matter are that Claimant herein was furloughed by the Chicago and North Western Railroad. He was not utilized to fill certain vacancies on April 4, 5 and 6, 1981. Further, the record indicates that Claimant did not file his address with Carrier in conformity with Rule 25. Two Claims were filed on April 6, 1981; one by Claimant with his Supervisor, Mr. Rickerson, and one by the Local Chairman of the Organization on Claimant's behalf with the Director of Suburban Operations, Mr. Pochron. Mr. Rickerson responded to the Claim declining it by letter dated June 2, 1981, with a copy to the Local Chairman. Mr. Pochron also declined the Claim he had received (to both Claimant and his Local Chairman) by letter dated June 19, 1981. Organization takes exception to the tardiness of Mr. Pochron's letter, as being beyond the sixty-day period provided for in the Rules.

It is clear that Carrier has the sole right to designate the official to receive Claims and as of June 2, 1981, Mr. Rickerson was that official. Mr. Pochron was named to that role by Carrier in September of 1981. Based on this fact it is apparent that the Claim properly addressed to Mr. Rickerson was declined well within the time limits. Thus the Claim must be denied.

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 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; and

That the Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest:

  
Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 15th day of March 1985