

The Third Division consisted of the regular members and in addition Referee Robert W. McAllister when award was rendered.

PARTIES TO DISPUTE: ((Brotherhood of Maintenance of Way Employees
(Missouri-Kansas-Texas Railroad Company

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood that:

(1) The Carrier violated the Agreement when it refused to reimburse Machine Operator H. D. Curtis for lodging expense he incurred during April and May, 1985 (System File 300-390/2579).

(2) Machine Operator H. D. Curtis shall be paid \$229.50 for April, 1985 lodging expense and \$191.25 for May, 1985 lodging expense."

FINDINGS:

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

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employes 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 waived right of appearance at hearing thereon.

The Claimant is a machine operator assigned to Extra Gang 400. During April and May 1985, Extra Gang 400 was assigned to perform work at Denison, Texas, requiring the Claimant to obtain meals and lodging. The Carrier declined to pay the Claimant's submitted April and May expenses stating it does not pay lodging when employees stay with relatives. The Organization argues the Claimant's lodging with a relative is immaterial. Rather, the Organization contends the controlling factor is whether or not the Claimant incurred actual lodging expenses.

In an attempt to receive a "windfall," the Carrier charges the Claimant filed "drug store" receipts allegedly showing some sort of out-of-pocket expenses" despite the fact he stayed with his mother. It is evident Carrier was suspicious of the receipts submitted by the Claimant in accordance with the controlling Agreement. Clearly, the Carrier has the right to question and validate expense receipts submitted. However, the fact the Claimant lodged with a relative is not an automatic disqualification of the claimed expenses (See Third Division Awards 12120 and 16463).

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Award No. 28013
Docket No. MW-27318
89-3-86-3-572

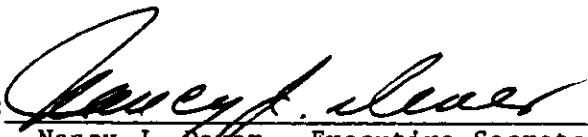
Herein, the record establishes that after the Carrier received the lodging receipts for April and May of 1985, its representative spoke with the Claimant's mother and verified the payments. With such verification, the Carrier's contention of a "windfall" is without merit. In this dispute, the Carrier had the opportunity to question the lodging expenses submitted and did so. It cannot now attempt to impose an extra contractual burden upon the Claimant (See Third Division Award 26286).

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Defer - Executive Secretary

Dated at Chicago, Illinois, this 31st day of July 1989.