

The Thid Division consisted of the regular members and in addition Referee John C. Fletcher when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(
(Union Pacific Railroad Company (former Missouri
(Pacific Railroad Company)

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

(1) The claim* as presented by Second Vice Chairman B. R. Palmer on October 8, 1988 to Manager of Program Services J. J. Stoner shall be allowed as presented because said claim was not disallowed by Mr. Stoner in accordance with Rule 12, Section 2(a) (Carrier's File 890053 MPR).

(2) As a consequence of the aforesaid violation, Messrs. D. J. Steck, S. P. Wood, M. A. Bucholz, J. R. Smith, D. E. Kottwitz, R. M. Wachter, and W. E. Brownlow shall each be paid forty-seven dollars and twenty-six cents (\$47.26).

*The initial letter of claim will be reproduced within our initial submission."

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.


On October 8, 1988, a Claim was filed with Carrier's Manager Program Services seeking mileage payments on behalf of seven Machine Operators while working in the vicinity of Jefferson City between August 5 and 8, 1988, which had been submitted to their Supervisor on August 30, 1988, and were not approved by him. Carrier did not timely deny the October 8, 1988 Claim.

Under the terms of the Time Limits Rule of the Agreement, the Claim must be allowed as presented without consideration of the merits of the matter.

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: 
Nancy J. Dever Executive Secretary

Dated at Chicago, Illinois, this 28th day of February 1992.