

Award No. 14673
Docket No. TE-11765

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

Daniel House, Referee

PARTIES TO DISPUTE:

TRANSPORTATION-COMMUNICATION EMPLOYEES UNION
(Formerly The Order of Railroad Telegraphers)

LOUISVILLE AND NASHVILLE RAILROAD COMPANY
(Nashville, Chattanooga & St. Louis District)

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Louisville and Nashville Railroad (NC&StL District) that:

(1) Carrier violated the agreement between the parties when it failed to grant J. T. Cowell a vacation of fifteen work days with pay in the calendar year 1956.

(2) Carrier shall be required to compensate J. T. Cowell for five days at the time and one-half rate in addition to amount already paid.

EMPLOYEES' STATEMENT OF FACTS: The Agreements between the parties are available to your Board and by this reference are made a part hereof.

J. T. Cowell entered the service of this Carrier on or about May 1, 1941 as a station porter, under the Clerks' Agreement, and has remained in continuous service of the Carrier since that date transferring to service under the Telegraphers' Agreement in 1942. In each year beginning with 1941, he has performed compensated service on the number of days provided for in the National Vacation Agreement, as amended, to qualify him for a vacation and length of vacation except in the years of 1943 and 1944 when he was in the military service which counts as qualifying time for length of vacation. Beginning with the year 1956 he is entitled to a vacation of fifteen working days with pay. He was granted a ten day vacation in 1956.

The following exchange of correspondence took place between the claimant and the Division Officers:

CLAIMANT COWELL TO SUPERINTENDENT D. M. WEAR,
JANUARY 24, 1957

"I received our vacation roster a few days ago and was listed as being due 10 days' vacation this year and would appreciate you

Copies of the applicable NC&StL telegraphers' agreement, which became effective September 1, 1949, are on file with this division.

OPINION OF BOARD: On March 6, 1959, Claimant first raised the question of whether he had been entitled to three weeks of paid vacation instead of the two he had received in the year 1956. A formal claim was first made by Employees in connection with Claimant's 1956 vacation pay by letter on April 25, 1959.

Clearly, we must sustain Carrier's contention that the claim was filed too late to entitle it to consideration.

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 claim is barred.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 21st day of July 1966.