

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22539  
Docket Number MSX-21079

George S. Roukis, Referee

PARTIES TO DISPUTE: (Frances Davis and Helen S. Frederick  
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(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, Correspondents 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:

A. W. Paulos  
Executive Secretary

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