

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23869

Docket Number SG-24032

Ida Klaus, Referee

PARTIES TO DISPUTE: {
 (Brotherhood of Railroad Signalmen
 (Southern Railway Company

STATEMENT OF CLAIM: "Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Southern Railway Company et al:

On behalf of Leading Signalman J. G. Taylor, System Signal Gang #1, for ninety (90) hours straight time lost account not being able to return to work on October 15, 1979, because Carrier held up payment on his expense account until October 29, 1979." (General Chairman file: SR-147. Carrier file: SG-423)

OPINION OF BOARD: The claim is for time the Claimant lost because he allegedly did not have the money to pay the expenses for travel to his system signal gang worksite. The Claimant contends that his financial distress was caused by the Carrier's unreasonable delay in reimbursing him for expenses already incurred.

The expenses were incurred during the period August 16 through September 15, 1979. Payment was made on October 29, 1979. The Claimant does not contest the amount paid.

The material facts concerning the reimbursement process are brief and not in dispute: The Claimant completed the required form on September 20. By letter dated September 26, the Carrier advised him that certain listed expenses were unauthorized and it asked him to remove them and return the form for processing. A second incorrect submission was again rejected. The properly completed form was received from the Claimant on October 19 and processed for payment on October 22.

The Claimant blames the Carrier for unduly prolonging the reimbursement process by failing to correct the form by a telephone call to the Claimant instead of returning it to him by mail. The Carrier responds that the Claimant himself was responsible for the delay in the first place by including, and then failing promptly to delete, the unauthorized items.

On the facts as established in this record, responsibility for the delay in receiving reimbursement, and for the financial hardship it may have brought, cannot reasonably be attributed to the Carrier. Clearly, the Claimant held up the processing of his request by failing without good reason to comply promptly with the direction to perfect his reimbursement submission.

The evidence shows that the Carrier acted in normal and reasonable course on each submission by the Claimant until the process was properly completed. It would be unfair and irrational to shift the blame to the Carrier

for a late processing caused by the Claimant's error.

The Board concludes that the claim is without support in the record and cannot therefore be sustained.

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: Acting Executive Secretary
National Railroad Adjustment Board

By


Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 13th day of May, 1982.

