

The Third Division consisted of the regular members and in addition Referee Rodney E. Dennis when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(The Atchison, Topeka and Santa Fe Railway Company

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

(1) The Carrier violated the Agreement when it refused to recognize Shawnee, Oklahoma as the home station of Machine Operator M. E. Ryan and, therefore, refused to allow Mr. Ryan camper trailer expenses beginning February, 1985 (System File 50-7-853/11-760-40-314).

(2) Machine Operator Ryan shall be made whole for all camper trailer expense payments he was deprived of as a result of the Carrier's failure to recognize Shawnee, Oklahoma as his home station, including fourteen (14) days of camper trailer expenses during February, 1985 and continuing until such time as the violation is corrected."

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.

This Claim is for camper trailer expense money. Claimant contends that he is entitled to the money due to the fact that he was required to live away from home, during his workweek. Claimant is entitled to expenses only if he is required to work more than 30 miles from his home station. An employee's home station may only be changed on December 1 of each calendar year.

Claimant submitted a change of address on November 30, 1984, designating his address as P.O. Box 597, McCloud, Oklahoma. He subsequently submitted expense vouchers for a per diem allowance.

Form 1
Page 2

Award No. 27825
Docket No. MW-27303
89-3-86-3-410

On December 17, 1984, Carrier wrote to Claimant by certified mail and stated that "you have established residence at 6610 South Shields, Oklahoma City, Oklahoma." The letter denied his claim for expenses in October and November.

It is the opinion of the Board that as of December 17, 1984, Carrier had made it clear that it had not accepted the change of residence and that the previous Oklahoma City address was still the employee's home station. Claimant had to file an objection within sixty days of that determination to challenge it. The claim was filed on May 1, 1985.

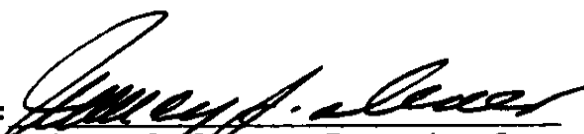
It is the opinion of this Board that Claimant failed to file a claim within the time prescribed in the Rules and therefore the claim must be denied.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 13th day of April 1989.