

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Award No. 30024
Docket No. CL-30616
94-3-92-3-446

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

(Transportation Communications International
Union)
PARTIES TO DISPUTE: (
(Southern Pacific Transportation Company
(Western Lines)

STATEMENT OF CLAIM: "Claim of the System Committee of the
Union (GL-10822) that:

- (a) The Southern Pacific Transportation Company violated the Agreement when it failed to respond to time card claims of W. M. Baker, N. Van Zant and J. C. Gonzales, within the 60-day period referred to in Rule 24 of the Agreement; and,
- (b) The Southern Pacific Transportation Company shall now be required to compensate W. M. Baker for eight hours at the overtime rate of Position 223, for September 3, 1988; W. M. Baker for two hours and 50 minutes for date of September 15, 1988 on Position 233; N. Van Zant for four hours at the overtime rate for August 31, 1988; and J. C. Gonzales for eight hours at overtime on September 12, 1988."

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 employe 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.

The Organization presents this Claim to this Board solely on the basis of an alleged procedural defect. It argues that the "officer of the Carrier authorized to receive" claims and grievances failed to respond to "time card claims" that were

presented to him within sixty days, as required by Rule 24 of the Agreement. The Carrier officer involved, however, denies that the "time card claims" were ever received in his office.

The proof offered by the Organization in support of its contention that the "time card claims" were properly presented to the "officer authorized to receive" claims and grievances, lacks substance and persuasion. In Third Division Award 20293, the Board concluded that the burden of proving presentation of a claim or grievance is on the petitioner. This burden has not been satisfied in this case. The claim will be dismissed.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: Catherine Loughrin
Catherine Loughrin - Interim Secretary to the Board

Dated at Chicago, Illinois, this 17th day of February 1994.