

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 44736
Docket No. MW-45668
22-3-NRAB-00003-190651**

The Third Division consisted of the regular members and in addition Referee Edwin H. Benn when award was rendered.

**(Brotherhood of Maintenance of Way Employees Division –
(IBT Rail Conference**

PARTIES TO DISPUTE: (

(The Kansas City Southern Railway Company

STATEMENT OF CLAIM:

“Claim of the System Committee of the Brotherhood that:

- (1) The claim* as presented by Vice Chairman R. Richard, by letter dated August 1, 2018 to Director Labor Relations T. Stephenson, shall be allowed as presented because said claim was not disallowed by Director Labor Relations T. Stephenson in accordance with Rule 14 (System File KCS441RR18/K0418-7682 KCS).**
- (2) The claim* as presented by Vice Chairman R. Richard, by letter dated August 1, 2018 to Director Labor Relations T. Stephenson, shall be allowed as presented because said claim was not disallowed by Director Labor Relations T. Stephenson in accordance with Rule 14 (System File KCS442RR18/K0418-7683).**
- (3) The claim* as presented by Vice Chairman R. Richard, by letter dated August 1, 2018 to Director Labor Relations T. Stephenson, shall be allowed as presented because said claim was not disallowed by Director Labor Relations T. Stephenson in accordance with Rule 14 (System File KCS443RR18/K0418-7684).**
- (4) The claim* as presented by Vice Chairman R. Richard, by letter dated August 1, 2018 to Director Labor Relations T. Stephenson, shall be allowed as presented because said claim was not**

disallowed by Director Labor Relations T. Stephenson in accordance with Rule 14 (System File KCS444RR18/K0418-7685).

- (5) The claim* as presented by Vice Chairman R. Richard, by letter dated August 6, 2018 to Director Labor Relations T. Stephenson, shall be allowed as presented because said claim was not disallowed by Director Labor Relations T. Stephenson in accordance with Rule 14 (System File KCS445RR18/K0418-7686).**
- (6) The claim* as presented by Vice Chairman R. Richard, by letter dated August 6, 2018 to Director Labor Relations T. Stephenson, shall be allowed as presented because said claim was not disallowed by Director Labor Relations T. Stephenson in accordance with Rule 14 (System File KCS446RR18/K0418-7687).**
- (7) The claim* as presented by Vice Chairman R. Richard, by letter dated August 6, 2018 to Director Labor Relations T. Stephenson, shall be allowed as presented because said claim was not disallowed by Director Labor Relations T. Stephenson in accordance with Rule 14 (System File KCS447RR18/K0418-7688).**
- (8) The claim* as presented by Vice Chairman R. Richard, by letter dated August 6, 2018 to Director Labor Relations T. Stephenson, shall be allowed as presented because said claim was not disallowed by Director Labor Relations T. Stephenson in accordance with Rule 14 (System File KCS448RR18/K0418-7689).**

***The initial letters of claim will be reproduced within our initial submission.”**

FINDINGS:

The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee 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 were given due notice of hearing thereon.

The Organization asserts that the Carrier untimely denied the claims in this matter in violation of Rule 14 and seeks sustaining of the claims as presented as provided in that Rule.

According to the Organization, four of the Organization's claims were dated August 1, 2018 and four were dated August 6, 2018 – all of which were received by the Carrier on August 14, 2018. Organization Submission at 10. Further, according to the Organization, "... while the Carrier's October 8, 2018 claim denial letters were received by the Organization on October 12, 2018, said letters were improper because they were sent to the Vice Chairman's home rather than to the Allied Federation in Hendersonville, Tennessee." Organization Submission at 10. The record reveals that the Carrier's letters were sent as a change of address occurred locating in Hendersonville.

Rule 14 provides that "[s]hould any such claim or grievance be disallowed, the Carrier shall, within 60 days from the date same is filed, notify whoever filed the claim or grievance (the employee or his representative) in writing of the reasons for such disallowance." The Carrier's timely filed denials were sent to the Organization's Vice Chairman who resided in Hendersonville – the same town as the Organization's address was listed.

Under the circumstances of this case, we find that the notification requirements found in Rule 14 have been sufficiently complied with and that the claims must be denied.

AWARD

Claim denied.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an Award favorable to the Claimant(s) not be made.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division**

Dated at Chicago, Illinois, this 6th day of May 2022.