

Award No. 62
Case No. MW-6-E

SPECIAL BOARD OF ADJUSTMENT NO. 605

PARTIES) Brotherhood of Maintenance of Way Employees
TO) and
DISPUTE:) The New York, New Haven and Hartford Railroad Company

QUESTIONS (a) Was the claim presented under date of Feb-
AT ISSUE: ruary 18, 1966 in behalf of Crossing Watchmen
L. Reed, J. Daniels and C. Hall retroactively
limited to December 20, 1965

or

(b) Should claimants L. Reed, J. Daniels and
C. Hall be allowed their guaranteed compensation
during the period from September 14, 1965 to
December 19, 1965, both dates inclusive.

OPINION OF BOARD: The three employees had filed a claim on February 18,
1966, seeking the protective benefits of the agree-
ment from September 14, 1965. The claim was sustained
by Carrier but compensation was granted only from December 20,
1965, that date being sixty days before the date of the claim.

Under the section entitled "Handling of Claims and
Grievances," the Interpretations specifically distinguish between
disputes over "the meaning or interpretation of the provisions
of the February 7, 1965 Agreement" and "individual claims for
compensation." In the latter case the Interpretations provide
that claims "shall be handled in accordance with the rules
governing the handling of claims and grievances, including
time limit rules" (underlining added); if the claim for compen-
sation involves an interpretation of the Agreement, the time
limit begins to run 30 days after the interpretation is rendered.

Carrier did not question the meaning or interpreta-
tion of the Agreement, but acknowledged its liability by directing
payment of the claims. The rules in effect between the parties
limit retroactivity for a continuing claim to 60 days prior to
the date of the claim. Since neither the February 7, 1965,
Agreement nor the Interpretations of November 24, 1965, alter

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the time-limit rules governing the handling of such claims,
the limitation of retroactivity to 60 days was proper.

AWARD

The answer to Question (a) is "Yes."

The answer to Question (b) is "No."


Milton Friedman, Referee

Washington, D. C.
May 9, 1969