

SPECIAL BOARD OF ADJUSTMENT NO. 605

PARTIES) Chicago, Rock Island & Pacific Railroad Company
TO THE) and
DISPUTE) Brotherhood of Maintenance of Way Employees

QUESTION Are Guadalupe Hernandez, Pedro Ortiz,
AT ISSUE: Paul Cabral, Jimmie C. Sanchez, John
Knust, Manuel Pina, William J. Rodriguez,
Michael Preuss, Abraham Gonzales, Wayne
Weber and Byron Pauley each entitled to
be paid for all time he has not been per-
mitted to work on or after March 1, 1965,
and to be made whole for paid vacations,
holiday pay, health and welfare, and any
any all other similar benefits, because
of the failure of the Carrier to return
him to and/or retain him in compensated
service at his guaranteed compensation
as required by Article I, Protected Employees,
and Article IV, Compensation Due Protected
Employees, of the Mediation Agreement of
February 7, 1965, and the Interpretations
thereto dated November 24, 1965?

OPINION Under the Interpretations of November 24, 1965,
OF BOARD: the time limit on individual claims involving an
interpretation of the Agreement does not begin to
run until December 24, 1965. Thus the claims which were filed
on February 11 and February 13, 1966, cannot be considered
untimely.

Evidence is lacking to support Carrier's assertion
that certain Claimants were seasonal employees. Factual infor-
mation to support that assertion is within Carrier's control,
and in the absence of it the Committee cannot make such a
determination.

In other respects the arguments are similar to
those in Award No. 99 (Case No. MW-12-W) and the Award is the
same.

A W A R D

The answer to the Question is "Yes", and the claimants are entitled to those benefits provided for in the Agreement of February 7, 1965, and its interpretations, without prejudice to any benefits provided by other agreements pertaining to paid vacations, holiday pay, health and welfare and any and all other similar benefits which do not fall within the jurisdiction of this Committee. *see 3rd 16844*



Milton Friedman
Neutral Member

Dated: Washington, D.C.
June 10, 1969