AWARD NO. 255
Case No. TCU-29-W

SPECIAL BOARD OF ADJUSTMENT NO. 605

PARTIES ) Chicago, Milwaukee, St. Paul & Pacific Railroad Company
TO THE ) and
DISPUTE ) Transportation-Communication Employees Union

QUESTIONS
AT ISSUE:

1. Do the time limit provisions set forth in Article V of the National Agreement of August 21, 1954 apply with respect to claims presented prior to November 24, 1965?

2. Do time limits under Time Limit Rules start to run 30 days after November 24, 1965 with respect to claims for compensation due to individual employees?

OPINION
OF BOARD: On June 15, 1965, Claimant submitted a claim to the Paymaster for the month of March, pursuant to Article IV, Section 2. On August 6, 1965, the Paymaster declined payment, advising Claimant that he was not the proper officer to receive such claim. The claim was refiled with the Chief Dispatcher on August 18, and it was then declined on the grounds that it was not timely presented. In January, 1966, that claim was withdrawn and two days later another for March, 1965, was again presented to the Chief Dispatcher.

According to the Organization, the claim as finally filed is timely since the time limits did not begin to run until 30 days after November 24, 1965. Carrier contends that the time limits in the national agreement of August 21, 1954, are applicable to money claims; consequently the failure to file the claim properly within 60 days of the occurrence thereafter barred it.

This issue has been before the Board on many occasions and it was decided in Award No. 62 and subsequent awards. Page 18 of the Interpretations of November 24, 1965, specifically

requires that "individual claims for compensation...shall be handled in accordance with the rules governing the handling of claims and grievances, including time limit rules." Only money claims which also involve an interpretation are said "not to begin to run until 30 days after the interpretation is rendered."

Since the claim in this case is solely a money claim under Article IV, Section 2, it should have been filed in accordance with the time limits set forth in the August 21, 1954 agreement.

A W A R D

The answer to Question No. 1 is Yes.

The answer to Question No. 2 is No.

Milton Friedman
Neutral Member

Dated: July 8, 1971
Washington, D. C.