

SPECIAL BOARD OF ADJUSTMENT NO. 605

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PARTIES) Hotel and Restaurant Employees and Bartenders International
TO) Union
DISPUTE) and
Louisville and Nashville Railroad Company

QUESTION Whether the Carrier should now pay Arnold Ragland, and
AT ISSUE: all others similarly situated, the amounts that have
been deducted from their compensation under Article IV,
Sections 1 and 2, of the February 7, 1965 Agreement be-
cause of amounts earned in employment in occupations
not subject to the Union's agreement and discontinue
the making of such deductions.

OPINION With respect to the handling of this dispute, the record shows
OF BOARD: that Carrier's highest officer denied the claim on November 6,
1969. On January 20, 1970 the Organization's Acting General
Chairman advised Carrier "that this case has been forwarded to the Disputes
Committee for further handling."

On December 19, 1972 the Organization served notice to this
Committee of its intention to file a submission and a request to settle the
dispute. Thus, there was an approximate lapse of three years between the
time of denial by Carrier's highest officer and notice to this Committee.

The Organization takes the position that the notice to the Car-
rier (on January 20, 1970) was sufficient to toll the running of the nine
month period required within which to institute proceedings.

The time limit provisions in the agreement between the parties
state:

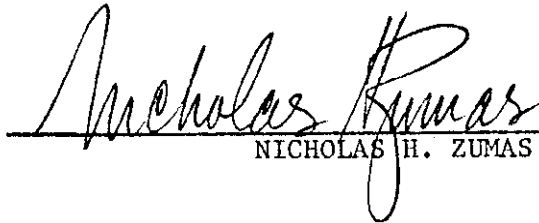
"All claims or grievances involved in a decision
by the highest designated officer shall be barred
unless within nine months from the date of said
officer's decision proceedings are instituted by
the employee or his duly authorized representa-
tive before the appropriate division of the Na-
tional Railroad Adjustment Board or a system,
group or regional board of adjustment that has
been agreed to by the parties hereto as provided
in Section 3, Second of the Railway Labor Act."
(Underscoring added.)

Under the mandatory language of the Agreement between the par-
ties and the Interpretations of the February 7, 1965, this Board cannot consider
the merits of the dispute.

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AWARD

The Question at Issue cannot be considered by this Board, and is therefore dismissed.


NICHOLAS H. ZUMAS

Dated: Washington, D. C.
June 7, 1973