

SPECIAL BOARD OF ADJUSTMENT NO. 605

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

QUESTION Whether the Carrier should now pay Arnold Ragland, and all
AT ISSUE: others similarly situated, the amounts that have been de-
ducted since June 7, 1973 from their compensation under
Article IV, Sections 1 and 2, of the February 7, 1965
Agreement because of amounts earned in employment in
occupations not subject to the Union's agreement and dis-
continue the making of such deductions?

OPINION The question as to the merits of this dispute was earlier
OF BOARD: presented to this Board in Case No. H&RE-1-SE. The Board
declined to consider the merits, and, in our Award No. 357,
dismissed the claim because the time limit provisions were
not complied with.

The identical claim was filed in both cases except that the
claim in this dispute included later dates of claim for compensation.

The Organization essentially argues that it should be
allowed to have the merits determined in a claim that was timely filed, and
should not be prevented from doing so by virtue of a previous claim that was
dismissed because of time limits.

Consistent with the large majority of awards emanating from
various forums in the railroad industry, the Board is constrained to find that
the Organization's contention is without merit. In our Award No. 353, we held:

"Numerous awards of the various divisions
of the National Railroad Adjustment Board have considered
and interpreted Time Limit rules with uniform conclusion:
Once a claim is filed, whether a continuing claim or not,
proceedings must be instituted within nine months after
the claim is denied by Carrier's highest designated
officer. Otherwise the Board is without jurisdiction to
consider the substantive issues of the claim."

The refiling of an identical claim between the same parties
and the same claimants does not revive the claim or revest this Board with
jurisdiction.

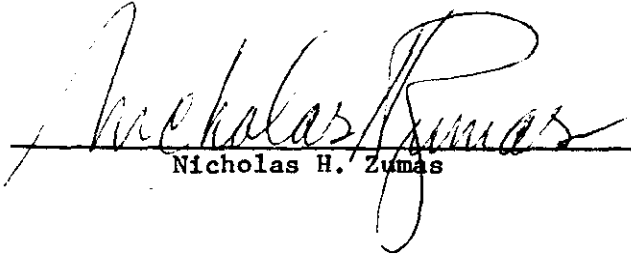
Award No. 384
Case No. H&RE-2-SE

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See Third Division Award Nos. 8458, 9447, 8419, 8775, 6935, 13623 and 17030; Fourth Division Award Nos. 793 and 993; Second Division Award Nos. 1586 and 2177; and this Board's Award Nos. 354, 325, and 359.

AWARD

The substantive Question at Issue is barred from consideration, and the case is dismissed.


Nicholas H. Zumas

Dated: Washington, D. C.
July 26, 1974

