

PUBLIC LAW BOARD NO. 5418

Case No. 74

Award No. 74

PARTIES

to

DISPUTE:

Brotherhood of Maintenance of Way Employees

-and-

Pan Am Railways

STATEMENT OF CLAIM:

Claim of William Murphy for 13 & 15 ½ hours on
March 17 & 18, 2007 respectively, account junior
Employees' called for snow duty.

FINDINGS: The record presents a procedural issue as a threshold matter. The Organization
Asserts the Carrier violated Article 25.3 of the scheduled Agreement by failing to comply with
the time limits specified therein.

Article 25.3 is quoted as follows:

“When a claim for compensation alleged to be due is not allowed, or should payment
be made for less than the full amount claimed, **the claimant will be so informed in
writing within sixty (60) days from the date the claim is received. If claimant is
not so notified, the claim will be allowed,** but such payment will not validate any
other such claim nor will such payment establish any precedent.”


The record shows the instant claims were handled in the following manner:

<u>Date Grievance Occurred</u>	<u>Hours claimed</u>	<u>Date Grievance Filed</u>	<u>Date of Carrier's Response</u>
3-17-2007	13	3-26-2007	9-5-2007
3-18-2007	15 ½	3-26-2007	No response


Based on the undisputed record that shows the Carrier clearly violated the time limit
provisions of Article 25.3, the Board deems this case to be procedurally defective. Therefore,
based solely on the time limit violation, the claim is sustained.

The Carrier is directed to implement the Award within 30 days of receipt.

AWARD: The claim is sustained.


Francis J. Domzalski
Neutral Member


A. F. Lomanto
Carrier Member


B. A. Winter
Organization Member

Dated: 2-8-2009