

PUBLIC LAW BOARD NO. 694

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PARTIES: United Transportation Union (T) AUG 21 1972
and Office of President

The Belt Railway Company of Chicago

STATEMENT OF ISSUE: Did the Organization's request dated March 3, 1969 for a Public Law Board comply with the requirements of Paragraph 3 of the August 25, 1958 Memorandum of Agreement?

FINDINGS: The procedural question to be determined is whether eleven claims, listed in the attachment to the Agreement establishing Public Law Board No. 694, are barred by the applicable Time Limit on Claims Rule.

Paragraph 3 of the August 25, 1958 Memorandum of Agreement, in force since September 1, 1958, provides in part that claims are barred unless proceedings are instituted before a tribunal having jurisdiction pursuant to law within one year from the date of decision of Carrier's highest officer designated to handle such claims, unless the time is extended by agreement between the parties.

On March 3, 1969, the Organization wrote the Carrier, requesting the establishment of a Special Board of Adjustment or Public Law Board pursuant to Public Law 89-456 to handle certain disputes, listing six of the eleven claims in controversy.

On March 26, 1969, Carrier wrote the Organization, in reply to its letter of March 3, 1969, that it has no objection to a Special Board handling any and all listed cases not dead under the Time Limit on Claims Rule.

The Organization by letter dated May 13, 1969 advised Carrier that it was adding five claims to those already listed for handling before the Special Board.

On May 22, 1969, Carrier advised the Organization that it had no objection to including the five numbered claims in any Special Board established by agreement.

It appears that nothing further was done by either party until September 24, 1970 when the Organization suggested a conference to make the necessary agreement for the claims to be handled before the Board.

Carrier replied, asking the Organization to submit a proposed agreement covering claims that are alive under the Time Limit Rule.

A conference was held and this Public Law Board No. 694 was established under an agreement signed by the parties on January 29, 1971.

It appears that the one year time limit had not run on the claims listed in the March 3, 1969 letter at the time the request for handling of the claims before a Special Board was

made to the Carrier; that the one year time limit had not run on the claims listed in the May 13, 1969 letter at the time the request for handling them before a Special Board was made to Carrier. The one year time limit had expired on all the claims in question long before this Public Law Board was established by the parties.

The parties herein agree on time limitations of claims and that the Memorandum of Agreement, effective September 1, 1958, is controlling in determining whether the claims are barred by the one year rule set forth in Paragraph 3 of said Agreement.

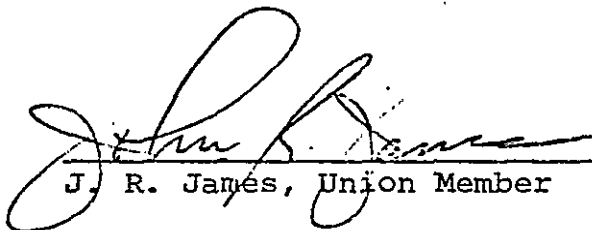
We find that the proper interpretation of said time limit rule, as applied to the facts of this case, is that the Organization's letters of March 3, 1969 and May 13, 1969 effectively instituted proceedings before a tribunal having jurisdiction pursuant to law.

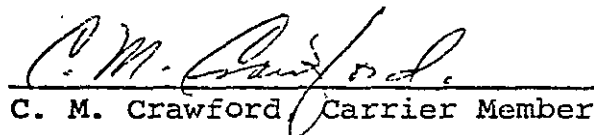
The Railway Labor Act has long provided for these Special Boards as proper tribunals for the disposition of disputes. See 45 USCA, Sec. 153. To hold that the time of the organization of a Special Board is the earliest date for the institution of proceedings under the Time Limit Rule would, we believe, be unrealistic within the purpose of the law and the handling of disputes before Special Boards.

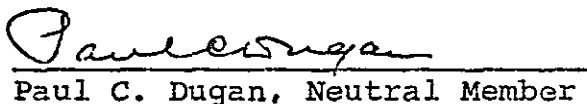
Further, we find, in any event, that Carrier's letters of March 26 and May 22, 1969 extended the Time Limit Rule if we followed the interpretation of said Rule as Carrier suggests in its submission before this Board.

We, therefore, find that the claims in question are not barred by the one year Time Limit Rule. See Procedural Award No. 1 of Public Law Board No. 838; Procedural Award of Public Law Board No. 251; Procedural Award of Public Law Board No. 744; Procedural Award of Public Law Board No. 791.

Award: Inasmuch as the claims in question are not barred by the Time Limit Rule, the Board has jurisdiction to hear the eleven listed claims, namely, G-67-309; G-67-365; G-67-372; G-67-376; G-67-86; G-67-88; G-69-7; G-69-6; G-68-114; G-68-115; and G-68-116.


J. R. James, Union Member


C. M. Crawford, Carrier Member


Paul C. Dugan, Neutral Member

Dated: July 26, 1972