

PUBLIC LAW BOARD NO. 457

PARTIES TO THE DISPUTE:

Louisville & Nashville Railroad Company	AWARD NO. 1
and	
The United Transportation Union (T)	CASE NO. 1

STATEMENT OF QUESTION SUBMITTED:

Did the Notice served on August 7, 1969, pursuant to Section 3, Second, of the Amended Railway Labor Act, to which was appended a list of cases captioned Attachment A and the supplemental list dated August 11, 1969, institute proceedings for final disposition of each case on the appended list?

FINDINGS:

On August 7, 1969, the Organization directed a letter to the Carrier requesting the establishment of a Public Law Board under the applicable provisions of the Railway Labor Act as amended and attached thereto a proposed form of agreement and an attachment listing 26 cases which it proposed to present to said Board identifying the cases by claim number and a brief statement of the claim in each instance.

On August 11, 1969, the Organization directed a letter to the Carrier proposing the addition of one claim to be added to the docket before the proposed Public Law Board.

On or about October 6, 1969, the parties entered into an agreement establishing the Public Law Board.

As of August 7, 1969, no time limits had run out in connection with any of the claims proposed for presentation to the Public Law Board.

It is the contention of the Carrier that based upon past practice on this property, all claims die under the time limit rules unless a written submission has been made to the appropriate tribunal within one year from the date on which the claim was declined by the Carrier's highest designated officer.

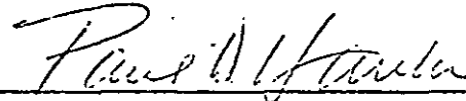
It is the position of the Organization that its letter of August 7, 1969, as supplemented by letter of August 11, 1969, requesting the establishment of a Public Law Board and attaching thereto a list of the claims to be presented, constituted the commencement of proceedings

before a tribunal having jurisdiction and tolled the running of any further time limits.

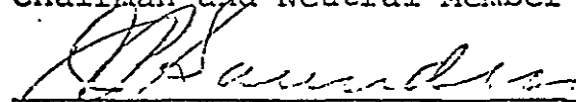

The question presented here has been previously considered by this Neutral and discussed at some length in a procedural award of Public Law Board No. 251, the Newburgh & South Shore Railway Company and U.T.U.(E). A copy of said award is attached hereto and by reference made a part hereof. For the reasons set forth therein, the contentions of the Carrier cannot be sustained and the question presented herein must be answered in the affirmative.

AWARD:

The question presented is answered in the affirmative and Public Law Board No. 457 does have jurisdiction to hear and decide all of the cases listed.



Paul D. Hanlon  
Chairman and Neutral Member

  
P. Saunders, Employee Member  
R. E. Poe, Carrier Member

Louisville, Kentucky

January 5 , 1971