


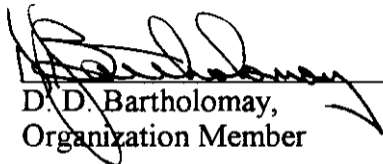
AWARD NO. 9
CASE NO. 9

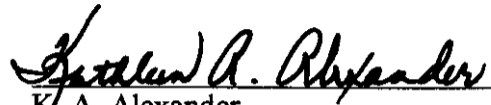
There is ample prior arbitral authority that has spoken to this type of dispute in this industry. As a general matter, the burden of proof to establish that an appeal was timely sent is upon the sender. Further, furnishing a copy of a letter after the fact is not sufficient to satisfy this burden.

On this record, we do not find sufficient proof to establish that the Carrier's initial denial of the Claim was timely appealed in accordance with the Agreement. As a result, the Claim must be denied.

AWARD: The Claim is denied.


Gerald E. Wallin, Chairman
and Neutral Member


D. D. Bartholomay,
Organization Member


K. A. Alexander,
Carrier Member

DATE: 11-5-02