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SPECIAL BOARD OF ADJUSTMENT NO. 122

THE PITTSBURGH AND LAKE ERIE RAILROAD COMPANY
THE LAKE ERIE AND EASTERN RAILROAD COMPANY

Award No. 51
Case No. 37

vs

BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYEES

STATEMENT OF CLAIM:

Claims filed by telephone operators F. H. Rogan for March, 1928, and subsequent dates, May 8, 1953 and subsequent dates; V. M. Rogan for March, 1928 and subsequent dates, May 8, 1953 and subsequent dates; M. L. Tucker for March 19, 1949 and subsequent dates, May 8, 1953 and subsequent dates for additional compensation account being required to perform duties transferred from the New York Central telephone switchboard at Youngstown, Ohio. (CL-247)

FINDINGS: The Board, upon the whole record and all the evidence, finds that:

The Carrier or Carriers and the employee or employees involved in this dispute are respectively Carrier and Employee within the meaning of the Railway Labor Act, as approved June 21, 1934.

The Board has jurisdiction over the dispute involved herein. The parties to said dispute were given due notice of hearing thereon.

The Organization's response on March 10, 1955, to Carrier's letter of January 17, 1955, requesting clarification of the basis of claim, was in and of itself an acknowledgment of the inadequacy of its original submission. The delay in replying thereto served to toll the running of the sixty-day period granted the Carriers in Rule 43 to advise the Organization of the disallowance thereof.

To put it mildly, the proposition that claimants can sit back for more than 26 years and then suddenly seek retroactive reimbursement for routine tasks in which they had always freely acquiesced, without any semblance of protest or complaint, is too far fetched. See Award 4428, National Railroad Adjustment Board, Third Division.

It follows that the performance here made subject of dispute was wholly within the range of claimants' duties. Accordingly, the Clerks' Agreement was not violated.

AWARD: Claims denied.

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/s/ Harold M. Gilden

Harold M. Gilden, Neutral and Only Member Thereof

Pittsburgh, Pennsylvania
June 3, 1958