

AWARD NO. 69
DOCKET NO. 69
(Case 2918)

SPECIAL BOARD OF ADJUSTMENT NO. 305

THE ORDER OF RAILROAD TELEGRAPHERS
vs.
UNION RAILWAY COMPANY
(Memphis)

STATEMENT OF CLAIM:

"Claim of the Committee of The Order of Railroad Telegraphers on the Union Railway Company (Memphis) that:

1. Carrier violated the agreement between the parties when it improperly relieved Telegrapher-Clerk K. C. May on his rest day, Sunday, October 26, 1958.
2. Carrier shall compensate K. C. May for eight hours at the time and one-half rate."

OPINION OF BOARD:

The jurisdiction of this Board has been questioned by the Carrier for the reason that the dispute has not been handled in the usual manner up to and including the highest officer designated by the Carrier as required by Section 3, First (i) of the Railway Labor Act.

It is also contended by the Carrier that the instant claim is barred because not timely appealed to the highest designated officer as required by Article V of the National Agreement of August 21, 1954.

It is undisputed that after this claim was appealed to Mr. N. N. Hopkins, President of the Carrier, and declined by him in writing on November 21, 1958, the claim was not further progressed on the property.

In support of its position, the Carrier produced in evidence an agreement signed by Mr. G. E. Leighty, President of The Order of Railroad Telegraphers, and Mr. T. Short, then Chief Personnel Officer of the Carrier, dated August 1, 1955, as well as an agreement dated August 1, 1955, signed by Mr. Short and Mr. V. B. Sanford, then General Chairman of The Order of Railroad Telegrapher.

Under date of September 1, 1957, over the signature of N. N. Hopkins, President, notice was given of the appointment of Mr. B. W. Smith as Chief Personnel Officer succeeding Mr. T. Short.

With this evidence before the Board, we are convinced that the instant claim was not handled in the usual manner up to and including the Chief Personnel Officer of the Carrier designated to handle such disputes as required by Section 3, First (i) of the Railway Labor Act, thus depriving this Board of jurisdiction

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to hear and decide the dispute on its merits.

Further, the Organization failed to comply with Article V of the Agreement of August 21, 1954, and for this reason the claim is now barred.

The claim should be dismissed.

FINDINGS: The Board has no jurisdiction of this dispute.

AWARD

Claim dismissed.

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s/ Donald F. McMahon -
Donald F. McMahon - Chairman

s/ R. K. Anthis
R. K. Anthis - Organization Member

s/ G. W. Johnson
G. W. Johnson - Carrier Member

St. Louis, Missouri
September 23, 1960

File 380-1933