

CASE NO. 31
AWARD NO. 36
DOCKET NO. TE-8894
ORT CASE 2011

SPECIAL BOARD OF ADJUSTMENT NO. 310

The Order of Railroad Telegraphers
and
The Pennsylvania Railroad Company

STATEMENT OF CLAIM: "Claim of the Order of Railroad Telegraphers on the Pennsylvania that when Switz City Block Station was changed from a 7-day position to a 5-day position effective June 12, 1954, the work was not abolished on the days this position was closed, but continues to be performed either by holding employees on overtime, or diverting the work to employees not covered by the Telegraphers' Agreement. Claim is made that this position be restored to a 7-day position and properly relieved as required by Rule 5-G-1. Time slips properly filed by M. C. Lawson under Rule 4-T-1 to be paid, and extra man available, or a regular man idle on those days be paid for not being used." (Southwestern Division Case No. 41 - System Docket No. 303)

FINDINGS:

We are here faced with a challenge on Carrier's part that the claim is invalid because it was not properly handled under Regulation 4-T-1 because it was not listed for discussion with the Superintendent within 60 days after its denial on June 22, 1954. It was presented September 8, 1954.

Organization replies it is not a money claim; it is a continuing claim.

Rules like 4-T-1 are automatic in their application. It is a claim "for money alleged to be due." It was not timely progressed and, under the Rule, "it shall not be entertained or allowed."

Irrespective of the automatic denial required here, the issue in this case is the same as we have already ruled on in our Awards Nos. 30, 34, and 35 in Dockets 8608, 8871, and 8872. On its merits, then, this claim must likewise be denied.

AWARD:

Claim denied.

Signed this 10th day of April, 1961.

/s/ E. A. Lynch
E. A. Lynch, Chairman

/s/ C. E. Alexander
C. E. Alexander, Carrier Member

/s/ R. J. Woodman
R. J. Woodman, Employee Member