

CASE NO.
AWARD NO. 49
SYSTEM DOCKET 516
BU 4152-17

SPECIAL BOARD OF ADJUSTMENT NO. 310

The Order of Railroad Telegraphers
and
The Pennsylvania Railroad Company

STATEMENT OF CLAIM: "Claim of the General Committee of the O.R.T. that J. Watson, Group 2 employe on the Southwestern Region, District No. 2, is entitled to allowance claimed for the following dates: Covering period August 1 thru August 31, 1957 inclusive, for the reason that claims, as shown on his time report, for the above period, were not properly denied by the P.T.M.&S.O., Mr. Rathvon, inasmuch as he did not notify claimant, in his letter dated September 27, 1957, of the reason for his decision of disallowance of said claims, which is a necessary requirement imposed by the provisions of Article V - Section 1-(a) of our Agreement of August 21, 1954." (Southwestern Region Case No. 6-B - System Docket No. 516)

FINDINGS:

There are claims pro and con of procedural defects in this claim: (1) by the Carrier that the claim was not presented to the Carrier's proper officer and is, therefore, not a valid claim; (2) by the Organization that Carrier's proper officer, when he finally received the claim, failed to give the reason for his denial, as is required.

We believe, however, that the claim itself, whether handled or denied properly or improperly, enroute did lapse when Organization waited 66 days beyond the permissible 60 days to appeal from disallowance of the claim.

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