

SPECIAL BOARD OF ADJUSTMENT No. 541

Brotherhood of Maintenance of Way Employees
and
Erie Lackawanna Railroad Company

STATEMENT OF CLAIM:

1. The Carrier violated the effective Agreement by failing to give reasons for the disallowance of a claim filed by E. R. Overholt, truck driver, because a junior Assistance Foreman, C. E. Moser, worked on Section No. 6, during the period April 16, to May 1, 1963, inclusive.

2. The Carrier now pay this claim, as presented, by Claimant E. R. Overholt, in his letter of May 15, 1963, addressed to Division Engineer G. P. Morrissey.

FINDINGS:

The sole ground advanced by Petitioner for this claim is that one of Carrier's grievance officers, a Division Engineer, failed to notify the Organization of the reasons for the disallowance.

Article V of the National Agreement of August 21, 1954, does prescribe that when any claim is disallowed, the Carrier shall notify the claimant or his representative "in writing of the reasons for such disallowance. If not so notified, the claim or grievance should be allowed as presented..."

In disallowing the present claim, the Division Engineer advised Petitioner by letter that "We have studied this case and find no rule violation. Therefore, your claim is denied." Under the decisions of the National Railroad Adjustment Board, there is no doubt but that this letter adequately satisfies the requirements of Article V. See, e.g., Third Division Awards 11208, 11231, 11441 and 12450. The Division Engineer advised the Organization of his reason for disallowing the claim and nothing in Article V or any other applicable rule required him to amplify that reason.

The claim will be denied.

AWARD:

Claim denied.

Dated at New York, N. Y., this 10th day of March, 1965.

/s/ Harold M. Weston
HAROLD M. WESTON, REFEREE

/s/ Arthur J. Cunningham
ORGANIZATION MEMBER

/s/ R. A. Carroll
CARRIER MEMBER