



SPECIAL BOARD OF ADJUSTMENT NO. 305

THE ORDER OF RAILROAD TELEGRAPHERS

vs.

MISSOURI PACIFIC RAILROAD COMPANY
(Southern & Western Districts)

AWARD NO. 46
DOCKET NO. 46
(CASE 2890)

STATEMENT OF CLAIM:

"Claim of the General Committee of The Order of Railroad Telegraphers on the Missouri Pacific Railroad, that:

1. Carrier violated the Agreement between the parties when on April 21, 1958, it permitted or required Train Dispatcher Frank E. Nigh, an employe not covered by the Telegraphers' Agreement, to transmit communications of record to 'NS' Office, North Little Rock, without calling J. E. Case, the Telegrapher entitled to perform this work.
2. Carrier shall now compensate J. E. Case for one call, three hours at the pro rata rate of pay of \$2.54 for April 21, 1958."

OPINION OF BOARD:

The record here shows that Carrier allegedly violated the provisions of the Agreement between the parties on April 21, 1958. The record further shows that on June 25, 1958, Carrier declined the claim by letter to the Local Chairman. No further action was taken by the Organization until an appeal was addressed to the Chief Personnel Officer for Carrier on August 29, 1958, by the General Chairman. This was a lapse of sixty-four days from the time the claim was declined until an appeal was made.

Carrier has raised a jurisdictional question as to the authority of this Board to determine the merits of the claim here, and relies on the provisions of the Time Limit Rule, Article V, Section 1 (b), of the Memorandum of Agreement of August 21, 1954. The claim was not appealed within sixty days after it was declined by Carrier, nor is there any evidence here that Carrier waived such requirements.

This Board has no authority to determine the claim on its merits.

FINDINGS: The claim here must be dismissed for lack of jurisdiction by the Board.

AWARD: Claim dismissed.

SPECIAL BOARD OF ADJUSTMENT NO. 305

/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
June 3, 1960

File 380-1876