



SPECIAL BOARD OF ADJUSTMENT NO. 305

THE ORDER OF RAILROAD TELEGRAPHERS

vs.

MISSOURI PACIFIC RAILROAD COMPANY
(Southern & Western Districts)

AWARD NO. 54
DOCKET NO. 54
(CASE 2647)

STATEMENT OF CLAIM:

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

1. Carrier violated Rule 1(a) of the Agreement when on May 5th it required or permitted an employee in Osawatomie Yard Office to transmit by telephone a communication of record to Assistant Trainmaster G. E. Dannels, Coffeyville, neither of whom are covered by the Telegraphers' Agreement nor within a properly established telegraph office, thus establishing telegraph offices other than as provided by the Telegraphers' Agreement.
2. Carrier shall compensate J. E. Case, Manager, Coffeyville, for a call, three hours at the time and one-half rate, for Sunday, May 5, 1957.
3. Carrier shall compensate F. W. Case, Manager, Osawatomie, for eight hours at the time and one-half rate for Sunday, May 5, 1957."

OPINION OF BOARD:

Carrier questions the jurisdiction of the Board to determine the merits of the alleged claim.

On September 20, 1957, Carrier, by its highest designated officer, declined the claim herein. Under Article V, Section 1(c), of the Agreement of August 21, 1954, the Organization was allowed a period of nine months to perfect its appeal from Carrier's declination. The Organization requested, and was granted by Carrier, an extension of time from June 19, 1958, to July 19, 1958.

The nine months' time allowed for further appeal would have expired June 19, 1958. The record shows such further appeal was not made by the Organization until July 21, 1958.

Under the provisions of the Time Limit Rule, we must dismiss the claim herein for lack of jurisdiction of the Board to determine the issue on the merits.

FINDINGS: Claim must be dismissed as per the Opinion.

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 380-1803