

SPECIAL BOARD OF ADJUSTMENT NO. 374

Brotherhood of Railway and Steamship Clerks, Freight Handlers,
Express and Station Employees

and

THE PENNSYLVANIA RAILROAD COMPANY

STATEMENT OF CLAIM:

System Docket 34 - New York Region Case 7-52 - "Claim of the System Committee of the Brotherhood that:

(a) The Carrier violated the Rules Agreement, effective May 1, 1942, except as amended, particularly the Scope Rule and Rule 2-A-1, when it required and permitted Group 2 Baggage men, I. Johnson and P. C. Harley, to perform duties accruing to Group 1 clerks in the Baggage Department, Pennsylvania Station, New York, New York, former New York Division, on tours 1 and 3, and failed to assign the work by bulletin to Group 1 employees.

(b) The Claimants, J. J. Higgins and D. J. O'Shaughnessy, should each be allowed eight hours pay a day, as a penalty, at the clerical rate of pay, retroactive ninety days from September 14, 1951, and continuing until the violation is corrected."

FINDINGS:

This claim was instituted by Claimants September 14, 1951.

However, the claim as made was denied by Carrier's Manager of Labor Relations in a letter dated February 20, 1956. In fact, Organization's Division Chairman in a letter to Carrier's Division Superintendent dated August 11, 1953 stated that "due to lack of cooperation on the part of my representative, I am closing the file in the matter."

The Organization did not institute proceedings with the Third Division National Railroad Adjustment Board until April 16, 1959 - two years and two months after its right to appeal had expired. It is barred now.

AWARD:

Claim outlawed.

Signed this 12th day of December, 1961.

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

/s/ A. E. Myles
A. E. Myles, Carrier Member

/s/ A. B. Seward
A. B. Seward, Employee Member