

SPECIAL BOARD OF ADJUSTMENT NO. 605

PARTIES) Chicago, Rock Island & Pacific Railroad Company
TO THE) and
DISPUTE) Brotherhood of Maintenance of Way Employees

QUESTION AT ISSUE: Are Guadalupe Hernandez, Pedro Ortiz, Paul Cabral, Jimmie C. Sanchez, John Knust, Manuel Pina, William J. Rodriguez, Michael Preuss, Abraham Gonzales, Wayne Weber and Byron Pauley each entitled to be paid for all time he has not been permitted to work on or after March 1, 1965, and to be made whole for paid vacations, holiday pay, health and welfare, and any and all other similar benefits, because of the failure of the Carrier to return him to and/or retain him in compensated service at his guaranteed compensation as required by Article I, Protected Employees, and Article IV, Compensation Due Protected Employees, of the Mediation Agreement of February 7, 1965, and the Interpretations thereto dated November 24, 1965?

OPINION OF BOARD: Under the Interpretations of November 24, 1965, the time limit on individual claims involving an interpretation of the Agreement does not begin to run until December 24, 1965. Thus the claims which were filed on February 11 and February 13, 1966, cannot be considered untimely.

Evidence is lacking to support Carrier's assertion that certain Claimants were seasonal employees. Factual information to support that assertion is within Carrier's control, and in the absence of it the Committee cannot make such a determination.

In other respects the arguments are similar to those in Award No. 99 (Case No. MW-12-W) and the Award is the same.

A W A R D

The answer to the Question is "Yes", and the claimants are entitled to those benefits provided for in the Agreement of February 7, 1965, and its interpretations, without prejudice to any benefits provided by other agreements pertaining to paid vacations, holiday pay, health and welfare and any and all other similar benefits which do not fall within the jurisdiction of this Committee. to 2nd 16844



Milton Friedman
Neutral Member

Dated: Washington, D.C.
June 10, 1969