

Award No. 3959

Docket No. 4080-I

2-IC-I-62

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

PARTIES TO DISPUTE:

FORREST N. HILL, ELECTRICIAN APPRENTICE

ILLINOIS CENTRAL RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES: I maintain that after being laid off by the Illinois Central Railroad, they failed to notify me of my reinstatement, because of the fact the registered letter sent me was not forwarded to my new address, even though I had notified the railroad of my change of address.

EMPLOYEES' STATEMENT OF FACTS: I was laid off from the Illinois Central Railroad because of a reduction in forces on December 31, 1960. The Illinois Central Railroad sent me a registered letter on September 25, 1961 to return to work as an apprentice electrician. I never received this letter. Meanwhile I had moved from the address (11343 South Park) leaving a change of address with the Post Office and also notifying the 27th Street Round House of my change of address. I had moved to 11571 South Perry Avenue. The Post Office returned the letter to the railroad for the reason, "Address Unknown." My grandmother called the Post Office, who admitted their error in not forwarding the letter to my new address. The Post Office then called the railroad, who apparently ignored the call.

Later I moved again to 9037 South Aberdeen Street, notifying the Post Office and also the Burnside Passenger Shops, where I had been reporting for unemployment compensation.

Then on October 12, 1961 the railroad sent me another letter saying that having failed to report within the specified 15 days, my name had been removed from the seniority list. This second letter, which was certified, was received in the proper manner. However, this second letter was a surprise to me since I had never received the original letter calling me back to work.

I contacted the railroad and told them of my failure to receive the original letter, but they said there was nothing they could do about this.

POSITION OF EMPLOYEE: Since I did not receive the letter, it was returned to the railroad, I feel that I did not receive legal notification of my re-instatement. Therefore, it seems to me that I should still be entitled to have my seniority rights returned.

CARRIER'S STATEMENT OF FACTS: The claimant, Forrest N. Hill,

AWARD

Claim dismissed.”

The carrier has shown that the claim of Forrest N. Hill has not been handled in the usual manner up to and including the highest officer designated to handle disputes as required by Article V of the agreement dated August 21, 1954, and this claim must be dismissed by the Board.

FINDINGS: The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employe within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

The parties to said dispute waived right of appearance at hearing thereon.

The Railway Labor Act under Section 3 First (i), requires grievances

“ . . . shall be handled in the usual manner up to and including the chief operating officer of the carrier designated to handle such disputes . . . ”

The instant dispute, not having been so handled, must be dismissed.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 9th day of March, 1962.