

NATIONAL RAILROAD ADJUSTMENT BOARD
Second Division

PARTIES TO DISPUTE:

SYSTEM FEDERATION NO. 2, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. OF L. (MACHINISTS)
MISSOURI PACIFIC RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES.—(a) That seniority date of March 31, 1923, of Machinist A. R. Leach, employed at Coffeyville, Kansas, is incorrect and in violation of Rule 25 (E) of our agreement.

(b) That his seniority date should be as of November 23, 1927, which was date he was reemployed.

POSITION OF EMPLOYEES.—That Machinist A. R. Leach did, on November 16, 1927, of his own free will and accord, resign; and that he was reemployed on November 23, 1927, and because of having voluntarily resigned, he then lost his seniority rights, and upon being reemployed his seniority as a machinist should begin on the date he was reemployed, in accordance with Rule 25 of the agreement in effect on the Missouri Pacific Railroad.

POSITION OF CARRIER.—Mr. Leach employed as machinist, Coffeyville, Kansas, March 31, 1923, has been continuously employed in this capacity since that date, and so recorded on all seniority rosters posted pursuant to provisions of wage agreement subsequent to March 1923, without protest from employes until December 7, 1934.

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

The carrier and the employe 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 were given due notice of hearing thereon.

We find that Machinist A. R. Leach did voluntarily resign on November 16, 1927, and was reemployed on November 23, 1927. The evidence indicates that Mr. Leach's seniority was protested.

AWARD

Claim of employes sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: J. L. MINDLING
Secretary

Dated at Chicago, Illinois, this 16th day of January, 1936.