

The Second Division consisted of the regular members and in addition Referee Robert G. Williams when award was rendered.

Parties to Dispute: (System Federation No. 97, Railway Employees'
(Department, A. F. of L. - C. I. O.
((Electrical Workers)
(Atchison, Topeka and Santa Fe Railway Company

Dispute: Claim of Employees:

1. That the Carrier erred and violated the contractual rights of Mr. Dennis F. Gibson by failing to give him proper advance notice of his furlough.
2. That, therefore, he be compensated for five (5) days at his pro rata rate of pay.
3. That the five (5) days be credited as days worked towards his vacation requirement.

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.

Parties to said dispute waived right of appearance at hearing thereon.

Rule 24(b) provides that an employe is entitled to five (5) working days' notice if there is a reduction in force or if the employee's position is abolished. In this case, the Claimant was furloughed following the return of another employee to his regularly assigned position. There was neither a reduction in force nor the abolishment of any position at the time of the Claimant's furlough. This Board therefore must find that Rule 24(b) was not violated by the Carrier.

A W A R D

Claim denied.

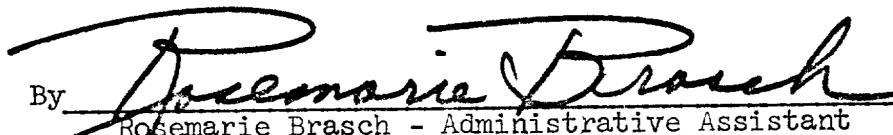
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Award No. 7654
Docket No. 7407
2-AT&SF-EW-'78

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By


Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 15th day of August, 1978.