

The Second Division consisted of the regular members and in addition Referee Paul C. Carter when award was rendered.

Parties to Dispute: ( International Brotherhood of Electrical Workers  
( Northeast Illinois Regional Commuter Railroad Corporation

Dispute: Claim of Employees:

1. That the Northeast Illinois Railroad Corporation violated the current agreement, particularly Rules 23 and 27, on January 26, 1983, when it improperly removed Electrician Helper Juan Oliva from the seniority list, and it failed to recall Mr. Oliva from a furloughed status in seniority order.

2. That accordingly, the Northeast Illinois Railroad Corporation be ordered to return Mr. Oliva to service with all of his seniority and other rights unimpaired and compensate him for all lost wages in accordance with Rule 34 and Rule 35.

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 employes 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.

After a careful review of the entire record in this dispute, the Board finds and holds that Claimant effectively resigned from Carrier's service in June, 1980, and took employment with another Carrier. He thereby forfeited any prior seniority rights that he may have had. The claim will be denied.

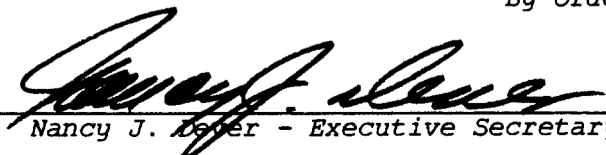
In view of our findings on the merits, we do not consider it necessary to pass upon the procedural issues raised.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

ATTEST:

  
Nancy J. Leber - Executive Secretary

Dated at Chicago, Illinois, this 23rd day of October, 1985