

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD  
SECOND DIVISION

Award No. 11904  
Docket No. 11593  
90-2-88-2-106

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

PARTIES TO DISPUTE: (Brotherhood Railway Carmen/ A Division of TCU  
(  
(St. Louis Southwestern Railway Company

STATEMENT OF CLAIM:

1. That the St. Louis Southwestern Railway Company violated the controlling agreement, particularly Rule 18-4, when they did not properly recall Carman Painter O. L. Fuller from furlough, Pine Bluff, Arkansas.

2. That accordingly, the St. Louis Southwestern Railway Company be ordered to compensate Painter O. L. Fuller in the amount of eight (8) hours pay for each day he has been withheld from service, Travelers, Aetna and Provident coverage, credit for each day for Railroad Retirement and allow vacation credits from May 19, 1987, until he is restored to service.

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.


In this matter it is argued that Carrier failed to properly recall Claimant. The facts before us demonstrate that Claimant's recall letter was sent certified mail to his last known address. The Postal Service made two attempts to effect delivery. The letter was returned to Carrier as "unclaimed." Rule 18-4 of the Agreement requires that furloughed employees keep their employing officer and local committee informed of any change in their address and provides for the automatic forfeiture of seniority of employees failing to return to duty after being notified that they are being recalled. Claimant did not report for duty after proper notification was given, nor did he offer an acceptable reason for not accepting delivery of his recall notice. Accordingly, we are without a basis for altering the automatic seniority forfeiture provisions of the Rule. The Claim will be denied.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest:

  
Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 1st day of August 1990.