

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. 121, Railway Employees'
(Department, A. F. of L. - C I. O.
((Carmen)
(Texas and Pacific Railway Company

Dispute: Claim of Employees:

1. That under the current agreement the Carrier improperly employed a furloughed Electrician, and upgraded him to Carman around Senior furloughed Carman Helper G. A. Hernandez, and has worked him as a Carman beginning December 12, 1967, through the present date.
2. That accordingly the Carrier be ordered to place Carman G. A. Hernandez name ahead of Carman C. I. Wright Jr., on the Big Spring, Texas seniority roster effective January 1, 1975.

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.

Claimant cannot be held blameless for any inaction taken regarding his seniority rights. He acknowledges that he knew junior employes were working as up-graded Carmen when he returned to service June 3, 1970. He made no protest at that time.

Again, Claimant was well aware of the seniority standing of former Electrician Wright when the seniority roster of the Carmen's Craft was posted January 1, 1972. Claimant made no protest at that time. It was not proper to do so some three years later, i.e. January 28, 1975. It is firmly established that time limit agreements are binding on all parties to the agreement. See Second Division Award 4297.

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It is noted that Claimant's seniority as a Carman Helper is not affected. The record fails to show that Carman Wright's seniority date was improperly established. The record also fails to show that the Claimant's seniority date as a Carman is incorrect.

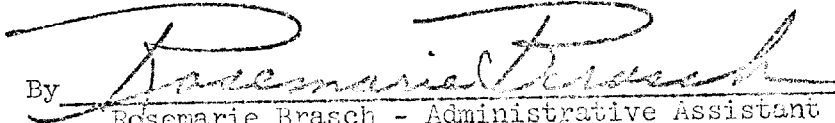
A W A R D

Claim denied.

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 31st day of July, 1978.