

The Second Division consisted of the regular members and in addition Referee Eckehard Muessig when award was rendered.

Parties to Dispute: (Edward C. Fisher
(Consolidated Rail Corporation

Dispute: Claim of Employees:

"As claimant, I want to be reinstated with full seniority and all benefits and all monies due me, from the day I signed my release, June 5, 1978, arising from an illegal transfer notice.

I, also, want payment for the ten (10) days extension, which was given me, in a letter, dated April 17, 1978, from Mr. R. M. Schaible, Manager Labor Relations, but never honored by Mr. Raybuck, Title V Administrator."

Findings:

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

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employees 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 were given due notice of hearing thereon.

The Claimant herein, on April 7, 1978, was sent a letter of transfer pursuant to proper authority. The letter gave him three options to choose from: (a) accept a transfer, (b) elect voluntary furlough at his home location, with the suspension of his monthly allowance, during the period of his voluntary furlough, or (c) accept severance allowance. The date of the letter of transfer was later corrected to read April 17, 1978 and the time limits for the Claimant to respond were extended accordingly.

It ensued that the Claimant on June 5, 1978 resigned from employment with Conrail and accepted a monetary severance allowance. However, at a later date in 1978, the Claimant protested the transfer letter and certain events that came about because of the letter on essentially procedural contentions.

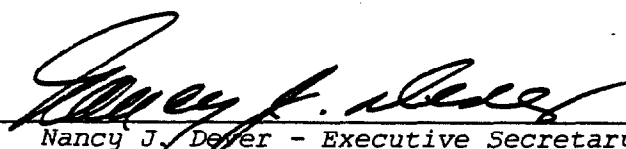
The Board has thoroughly reviewed the record and has given full consideration to the excellent presentation of the Claimant before us. While we understand his contentions, the evidence is conclusive that he did resign his position on the basis of a letter to him that was straight-forward and without ambiguities. The record is void of any elements that would lead to a conclusion that he did not know the conditions stated in the letter when he resigned and accepted the option of severance. While there are many aspects to this dispute, the controlling issue is basically the fact that his action was a voluntary one on his part and the claim that followed his resignation was not in accordance with the Railway Labor Act. Accordingly, while the Board is not unsympathetic to the Claimant's concerns, given the foregoing findings, the claim is 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 27th day of February 1985.