

NATIONAL RAILROAD ADJUSTMENT BOARD  
SECOND DIVISIONAward No. 12983  
Docket No. 12817  
96-2-93-2-183

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

PARTIES TO DISPUTE: (Sheet Metal Workers' International  
( Association  
( Denver and Rio Grande Western Railroad  
( Company

STATEMENT OF CLAIM:

"1. The Carrier violated the agreement when they failed to send T. W. Holland copy of side letter No. 5 to his last known address.

2. That accordingly, the Carrier afford T. W. Holland all benefits due him by Agreement signed May 21, 1991, including attachment B and all side letters. That the Carrier should be ordered to enter T. W. Holland's seniority date of May 16, 1978 on the Colorado Division - Mechanical Roster."

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 employee 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.

The dispute at issue arises from a contention that the Carrier "failed to send" the Claimant copy of Letter No. 5 to an Implementing Agreement which the Carrier entered into with its employees represented by the Organization concerning the transfer of work and employees from Sacramento, California, to Denver, Colorado. Among other things, Letter No. 5 prescribed that employees on furlough would be allowed the option to be placed on the bottom of the appropriate seniority roster at Denver, by indicating such a desire, in writing, within 60 days from the date the Agreement was signed.

It was agreed in Letter No. 5 that a copy of such letter would be sent to each furloughed employee at Sacramento "... at their last known address."

Study of the record as presented and developed supports the conclusion that the Claimant had moved his residence in June 1990, but failed to give the Carrier such a change of address. It may not therefore be held that it was the fault of the Carrier that the Claimant did not receive timely notice of the rights and benefits for furloughed employees as set forth in Letter No. 5. Accordingly, the claim will be denied.

AWARD

Claim denied.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Dated at Chicago, Illinois, this 2nd day of February 1996.