

NATIONAL RAILROAD ADJUSTMENT BOARD
Third Division

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS, FREIGHT
HANDLERS, EXPRESS AND STATION EMPLOYES**

SOUTHERN RAILWAY COMPANY

DISPUTE.—"Claim of clerical employees at the Salisbury-Spencer, North Carolina, Terminal, that Mrs. J. F. Marsh has forfeited her seniority and that her name should be removed from the seniority list of clerical employees."

FINDINGS.—The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier and the employee 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.

The parties to said dispute were given due notice of hearing thereon.

The following statement of facts is jointly certified by the parties, and the Third Division so finds:

"Effective January 1, 1932, Miss Margaret Dorton, employed as stenographer to the agent at Spencer, North Carolina, Transfer, secured a leave of absence for ninety days, during which she was married to Mr. J. F. Marsh. At the expiration of this leave of absence she did not return to her regular assignment."

An Agreement, bearing effective date September 1, 1926, governing the Hours of Service and Working Conditions of employees therein designated, is shown to exist between the parties, from which Agreement complainant party cites the following Rule 18 (a):

"Leave of absence for more than ninety (90) days within twelve (12) consecutive months will not be granted except in case of sickness, injury, unavoidable causes, or to employees representing those covered by this agreement, except by agreement in writing between representatives of Management and employees. Leave of absence in excess of thirty days will not be given except in writing. Copy of notice of leave allowed to be furnished on request."

It is found that none of the exceptions contained in Rule 18 (a) obtained to justify failure of the employee to protect her seniority on or before the expiration of said leave of absence, and it is accordingly held that Mrs. Marsh forfeited her seniority under the terms of agreement cited.

AWARD

Claim sustained.

By Order of Third Division:

NATIONAL RAILROAD ADJUSTMENT BOARD.

Attest:

H. A. JOHNSON,
Secretary.

Dated at Chicago, Illinois, this 27th day of June 1935.