

NATIONAL RAILROAD ADJUSTMENT BOARD
Third Division

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS, FREIGHT
HANDLERS, EXPRESS AND STATION EMPLOYES**
NEW ORLEANS AND NORTHEASTERN RAILROAD COMPANY

DISPUTE.—"Claim of the clerical employees on the New Orleans and Northeastern Railroad that J. E. Coughlin, clerk, Hattiesburg, Mississippi, has forfeited his seniority and that his name should be removed from the seniority list."

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

The carrier and the 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.

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

The parties have jointly certified the following Statement of Facts, and the Third Division so finds:

"On November 16, 1933, the position of night clerk at Hattiesburg, Mississippi, was bulletined. Mr. Coughlin, who had been furloughed on account of reduction in forces, bid for the position, and, being the senior qualified bidder, was awarded the position but did not go on same for reasons as hereinafter set forth in respective contentions."

Due notice was given to J. E. Coughlin that he was awarded the position of night clerk, but he did not accept assignment thereto within the period of time specified in Rule 5, paragraph (j) of Agreement, effective September 1, 1926, between the parties, reading:

"* * * * Employees failing to return to the service within seven (7) days after being notified (by mail or telegram sent to address last given) or give satisfactory reason for not doing so will be considered out of the service."

It is found that during the period November 15 to December 4, 1933, clerk J. E. Coughlin was ill and under treatment by a physician, which prevented him from accepting said assignment within the period of time specified in Rule 5, paragraph (j).

AWARD

Claim denied.

By Order of Third Division:

NATIONAL RAILROAD ADJUSTMENT BOARD.

Attest:

H. A. JOHNSON,
Secretary.

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