

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

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

THE PENNSYLVANIA RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that:

Ruth C. White, Clerk, Baggage Department, Pennsylvania Station, New York, former New York Division, be returned to service with all rights unimpaired and be compensated for all monetary loss sustained dating from August 13, 1953, until adjusted. (Docket N-376)

EMPLOYEES' STATEMENT OF FACTS: This dispute is between the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees as the representative of the class or craft of employees in which the Claimant in this case held a position, and the Pennsylvania Railroad Company—hereinafter referred to as the Brotherhood and the Carrier, respectively.

There is in effect a Rules Agreement, effective May 1, 1942, except as amended, covering Clerical, Other Office, Station and Storehouse Employees between the Carrier and this Brotherhood which the Carrier has filed with the National Mediation Board in accordance with Section 5, Third (e), of the Railway Labor Act, and also with the National Railroad Adjustment Board. This Rules Agreement will be considered a part of this Statement of Facts. Various Rules thereof may be referred to herein from time to time without quoting in full.

This dispute was progressed to the General Manager of the Eastern Region by means of a joint submission. The General Manager is "the chief operating officer of the Carrier designated to handle such disputes." (Railway Labor Act, Title 1, Section 3 (i)). This joint submission is attached as Employees' Exhibit "A" and will be considered as a part of this Statement of Facts.

The Claimant, Ruth C. White, was a regularly assigned Extra Clerk, Baggage Department, Pennsylvania Station, New York, with a seniority date of October 16, 1946, on the New York Division, Group 1, Seniority Roster.

The record indicates that Claimant White was notified on August 7, 1953, that effective at the close of business on August 12, 1953, her position would be abolished.

OPINION OF BOARD: The record in this dispute is clear that Ruth C. White forfeited her seniority under the Agreement when she did not seek to exercise her seniority to other positions, of which there were several, within the twenty-nine day period stated in Rule 3-C-1 (a), after being denied her seniority to Positions F-3552, F-3548 and F-2530 in August and September, 1953.

We find it unnecessary to here pass on Claimant White's fitness and ability for any of the three named positions which the Carrier denied her.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

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;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That Ruth C. White forfeited her seniority under Rule 3-C-1 (a) of the Agreement.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: A. Ivan Tummon
Executive Secretary

Dated at Chicago, Illinois this 22nd day of May, 1958.