

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

ROBERT L. RAWLEY

TOLEDO, PEORIA & WESTERN RAILROAD COMPANY

and

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

STATEMENT OF CLAIM: Claim of employe Robert L. Rawley that he was improperly removed from Seniority Roster of Maintenance of Way Employes — Track Department, in April, 1962 as a Section Laborer.

OPINION OF BOARD: The issue for resolution here is whether the Claimant's name was properly removed from the Section Laborers' seniority roster dated April, 1962.

The record clearly indicates that the Claimant, among others, failed to file his name and address with the proper Carrier Officer as required under the provisions of Rule 11 of the controlling Agreement. The record reflects, with equal clearness, that the others who failed to comply with said rule have accepted the consequences thereof. The rule must be applied uniformly and without exception.

There is no merit to the Petitioner's claim and the position of the Carrier and of the Brotherhood is fully supported by the record.

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

That the parties waived oral hearing thereon;

That the Carrier and the Employes involved in this dispute are respectively Carrier and Employes 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 the Agreement was not violated.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 14th day of September 1964.