

 Award No. 18511
Docket No. MS-18972

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Arthur W. Devine, Referee

PARTIES TO DISPUTE:

LOUIS JOE ARMIJO

THE ATCHISON, TOPEKA & SANTA FE RAILWAY COMPANY
(Eastern and Western Lines)

STATEMENT OF CLAIM: Does an office-in-force reduction employee who is recalled to work and assigned to a position which he declines, forfeit Group III seniority by virtue of his failure to respond to recall, or does such an employee have the option to refuse such recall and still retain his Group III seniority?

OPINION OF BOARD: The issue presented in this docket must necessarily be determined on the basis of the controlling agreement and in accordance with the interpretation put upon that agreement by the parties thereto; accordingly the claim is without merit. It must be denied.

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;

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 the Agreement was not violated.

AWARD

Claim denied in accordance with Opinion and Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of **THIRD DIVISION**

ATTEST: E. A. Killeen
Executive Secretary

Dated at Chicago, Illinois, this 23rd day of April 1971.

Keenan Printing Co., Chicago, Ill.

Printed in U.S.A.