

RATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21539
Docket Number CL-21479

Joseph A. Sickles, Referee

PARTIES TO DISPUTE: { (Brotherhood of Railway, Airline and Steamship
Clerks, Freight Handlers, Express and
Station Employees
(Grand Trunk Western Railroad Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood,
GL-8011, that:

1. The Carrier violated the current Working Agreement by
improperly removing furloughed Clerk Mr. B. Cottrell from the 1974
seniority roster.

2. The Carrier shall now restore Mr. Cottrell to his proper
position on the Grand Trunk Western Railroad seniority roster and
compensate him for all lost earnings from June 6, 1974.

OPINION OF BOARD: The Claimant was furloughed in late April, 1974.
On or about June 6, 1974, Carrier terminated his
seniority in asserted compliance with Rule 15(b):

"(b) Employees desiring to protect their seniority
rights and to avail themselves of this rule must,
within seven (7) days from the date actually reduced
to the furloughed list, file their names and addresses
in duplicate in writing, both with the proper officer
(the officer authorized to bulletin and award positions)
and the Local Chairman, and advise promptly of any
change in addresses or forfeit all seniority rights,
except in cases of personal illness or other unavoidable
causes. The official and Local Chairman shall sign and
return to the employee as a receipt one copy of the
address or changes in address so filed."

The Employees, in submitting this claim, allege a violation
of Rule 26 "Investigation."

We have reviewed this record in detail, but we find no
probative evidence to show that Claimant complied with the mandatory
provisions of Rule 15(b). Our conclusion that the rule is self-
executing and provides for an automatic loss of seniority is consistent
with Third Division Awards 21463, 20863, 20426, 20371, 18789, 17718
and 17596.

This type of self-executing rule is not within the contemplation of Rule 26.

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;

'Rat 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.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. Paulos
Executive Secretary

Dated at Chicago, Illinois, this 19th day of May 1977.

