

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22221
Docket Number CL-22115

Irwin M. Lieberman, Referee

(Brotherhood of Railway, Airline and
(Steamship **Clerks**, Freight **Handlers**,
(Express and **Station Employees**
PARTIES TO DISPUTE: (
(**Elgin**, Joliet and Eastern Railway Company

STATEMENT OF CLAIM: Claim of the System **Committee** of the Brotherhood
668447, that:

"1. The Carrier violated the effective Clerks' Agreement when on March 25, 1976 it failed to afford Ms. Joan M. **Walls** an opportunity to fill a short vacancy on Position GT-56 in accordance with the **terms** of the Agreement and the effective calling procedure at Gary, Indiana.

2. The Carrier shall now compensate Ms. Joan **M. Walls** for eight **(8)** hours' pay at the time and one-half rate of Position GT-56 for March 25, 1976."

OPINION OF BOARD: Claimant allege% that Carrier failed to call her to fill a short vacancy to which she was entitled. The record reveals **that** on the claim date Carrier attempted to call Claimant to fill the vacancy at her last address and phone **number** of record. During the investigation of the claim, it was learned that on the day preceding this claim, Claimant executed a change of address form which was not received in Carrier's office until the following day, March **25th**, the claim date. Carrier states that the **form could** not be processed and all affected notified in the brief period of **time** to permit the call to the new number **on** the same day.

There is no showing of negligence **on** the part of Carrier in processing the change of address. Claimant, however, was aware that she was moving and would have a new phone number in advance of March 25th and had the responsibility of notifying Carrier in a timely fashion if she wished to avoid the possibility of missing a call; not **even** a verbal notice to the proper official was attempted. Since Claimant failed to give Carrier timely notice of her **new number**, the claim must be denied.

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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.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. Paulsen
Executive Secretary

Dated at Chicago, Illinois, this 15th day of **November 1978**.

