NATIONAL RAILROAD ADJUSTMENT BOARD

Award Number 24169
THIRD DIVISION Docket Number SG-24354

Joseph A. Sickles, Referee

PARTIES TO DISPUTE: (Brotherhood Of Railroad Signalmen
(Chicago and Illinois Midland Railway Company

STATEMENT OF CLAIM: "Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Chicago and Illinois Midland Railway Company:

On behalf of Mr. J. R. Edmonds, II, for the complete restoration of all seniority rights and other benefits, including any monetary loss resulting from the Company's arbitrary decision to terminate Mr. Edmonds seniority effective November 20, 1980, under the guise of an alleged violation *of* Rule 19(c) *and* (d) of *the* Signalmen's *Agreement.* (Carrier file: case No. MP-BRS-9)"

OPINION OF BOARD: The Claimant was furloughed in a force reduction in October of 1980 ad he asserts that on the following day he notified the Chief Engineer that he was "ready, willing and available to return to work at any possible time."

Nonetheless, in December of 1980 the Chief Engineer advised the Claimant that he had failed to comply with Rule 19, Paragraphs (a) and (d) and as a result he forfeited all seniority rights. The cited provisions of the Agreement state that an Employe must assert his displacement rights in writing within certain prescribed time limits in order to protect his seniority rights.

Rule 19(d) specifies that the Employe must, within a specified time period, file hi6 name and address with both a Company official and the General Chairman and both the official and the Chairman must sign and return to the Employe (a6 a receipt) one copy of the address or change6 in address- as so filed.

We have reviewed the contentions of the Employe and the Organization in this case and we have considered the Organization's arguments a6 to the purposes of Rule 19. Nonetheless, we have searched the record in vain to find any evidence to support the Claimant's burden of showing that, in fact, he complied with Rule 19(d), or that he has any copy of a document signed and returned to him a6 is required by the Rule; which would tend to support his contention. Accordingly we will deny the claim.

FINDINGS: The Third Division Of the Adjustment Board, upon the whole record and ☺●● the ● vldenoe, findsand holds:

That the parties waived oral hearing;

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.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: Acting Executive secretary
National Railroad Adjustment Board

By Rosemarie Brasch
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 15th day of February 1983.