

NATIONAL RAILROAD **ADJUSTMENT** BOARD

THIRD DIVISION

Award Number 24687
Docket Number **MW-24852**

Eckehard Muessig, Referee

(Brotherhood of Maintenance of Way **Employes**
PARTIES TO DISPUTE: (
(The Atchison, Topeka and Santa Fe Railway Company

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

(1) The Carrier violated the Agreement when it improperly closed the service record of **Trackman** E.W. **Sandlin** (System File 130-400.2008131.

(2) **Trackman E. W. Sandlin** be returned to service with seniority and all other rights unimpaired and he shall be compensated for all wage loss suffered.

OPINION OF BOARD: The Claimant in this dispute had established seniority as a **Trackman** on Carrier's **Northern** Division Seniority District. On June 25, 1981, he was furloughed from the Northern Division and subsequently, on July 14, 1981, filed an application for employment on Carrier's Plains Division. Afterward, on July 27, 1981, he was **hired** and established his seniority date in the Plains Division. However, on August 26, 1981, the Claimant was notified that his application for employment on the Plains Division had been rejected pursuant to the provisions of Rule 20, Section (a). He contends that the August 26, 1981 letter **severed** his employment with the Carrier.

The record shows that the rejection of the Claimant's application for employment on the Plains Division did not affect his employment relationship on the Carrier's **Northern** Division. It is on that Division that he had previously established a January 9, 1981, seniority date, and from which he remains in an off-in-force-reduction status. We find, therefore, that as of July 27, 1981, the Claimant had established seniority in two separate and distinct **seniority** districts. Consequently, the Claimant's employment with the Carrier was not terminated, since his status on the Northern Division was unaffected.

The **Carrier**, on August 26, 1981, when it rejected the Claimant's **application**, relied upon that portion of Rule 20. which, in pertinent part, reads that:
*Application for employment can validly **be** rejected only within (60) calendar days after the employee establishes a seniority date:

In the instant case, the **Carrier** rejected the Claimant's application for employment on the Plains Division within the 60-calendar-day period provided by the rule, i.e., within 60 days of his seniority date of July 27, 1981, on the Plains Division as **Trackman**. The **Board** finds that this action is not violative of the controlling rule.

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:


Nancy J. Lever - Executive Secretary

Dated at Chicago, Illinois this 24th day of February, 1984

