

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 26044
Docket Number CL-26276

Philip Harris, Referee

PARTIES TO DISPUTE: ((Brotherhood of Railway, Airline and Steamship Clerks,
(Freight Handlers, Express and Station Employees
(The Atchison, Topeka and Santa Fe Railway Company

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood
(GL-9975) that:

(a) Carrier violated the rules of the current Clerks' Agreement at San Bernardino, California, commencing November 8, 1983, when it wrongfully removed Ms. R. S. Pippin's clerical seniority date, and

(b) Ms. R. S. Pippin's clerical seniority date of October 9, 1978, on the Los Angeles Division Station Seniority District shall now be restored and compensated for eight (8) hours' pay at the pro rata rate of position for each work day Claimant Pippin is wrongfully withheld from protecting such work as a result of such violation of Agreement rules".

OPINION OF BOARD: The contract provides that an employee will forfeit seniority if he/she is in an off-in-force-reduction status for 24 consecutive months, and has designated a point or points of recall. Ms. Pippin lost her seniority under this Rule. During the 24-month interval she was dismissed for excessive demerits accumulated by missing calls or failing to be available for calls. Four and one-half months later she was reinstated on a leniency basis, but without backpay. She assumed that her 24 months on the Roster would commence from her reinstatement date and grieved upon learning otherwise.

The Board concurs with the Carrier's interpretation of the Agreement. The Claimant was on off-in-force reduction status at the time of her discharge and her subsequent reinstatement. The 24-month period is properly interpreted as though the discipline never occurred. Furthermore, there are no damages because nobody junior to Ms. Pippin has ever been recalled.

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

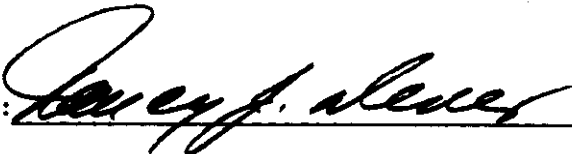
That the Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:

A handwritten signature in cursive script, appearing to read "Nancy J. Dever", is written over a horizontal line.

Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 11th day of June 1986.