

The Third Division consisted of the regular members and in addition Referee Marty E. Zusman when award was rendered.

PARTIES TO DISPUTE: ( (Brotherhood of Maintenance of Way Employees  
(Union Pacific Railroad Company  
(Missouri Pacific Railroad 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 G. Williford (Carrier's File 247-7446).

(2) Claimant G. Williford's seniority as trackman shall be restored unimpaired and he shall be compensated for all wage loss suffered."

FINDINGS:

The Third Division of the Adjustment Board upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employes within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

The Claim at bar developed after Carrier sent a certified letter dated April 9, 1986, to Claimant recalling him from furlough to report on May 1, 1986. The letter was received and signed for by another party on April 15, 1986. Claimant did not return to service and the Carrier removed Claimant's seniority rights.

The Organization pursued a Claim on the property in which it argued that Claimant had failed to be recalled in line with seniority. The Organization further noted that Claimant filed a change of address with the Carrier on May 14, 1986.

The Board has read the governing provision of the Agreement and finds that the Carrier was in full compliance with Rule 2. That Rule required the Claimant to file his proper address with the Carrier within ten days after being furloughed. Carrier sent Claimant the recall letter to his last known address. Claimant thereafter had to "return to service within seven (7) calendar days after recall" or "forfeit seniority in the class for which called." Claimant did not report for work and his failure to do so resulted in forfeiture of seniority. This Board finds no violation of the Agreement by the Carrier. This Claim is denied (Third Division Award 24836).

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest:

  
Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 25th day of May 1990.