

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION

Award No. 29275  
Docket No. MW-29446  
92-3-90-3-35

The Third Division consisted of the regular members and in addition Referee Joseph A. Sickles when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employes  
(Consolidated Rail Corporation

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

(1) The Agreement was violated when the Carrier terminated the seniority of Mr. S. A. Vaughn effective November 14, 1988 (System Docket MW-119).

(2) Mr. S. A. Vaughn shall be returned to service with seniority and all other rights unimpaired."

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 were given due notice of hearing thereon.

On September 20, 1988, the Claimant was notified that he had been awarded a Welder Helper position and that he was to report to Haverstraw, New York, within ten days with a complete MD40 and safety equipment. He was advised that a failure to do so would result in a forfeiture of seniority.

The Claimant reported to Kingston, New York instead (within the 10 days) and was told that the gang was "abolished" and he went home.

On November 14, 1988 the Carrier advised of a forfeiture of seniority which prompted this claim.

Despite the fact that the Claimant reported to the wrong location without appropriate records rather than to the designated location as instructed, on February 14, 1990, the Carrier restored the Claimant's seniority, therefore, the Claim is moot.

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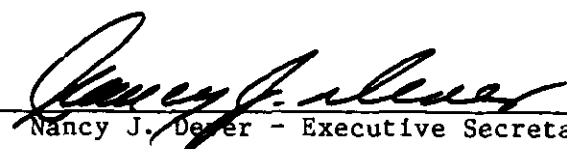
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A W A R D

Claim Dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest:

  
Nancy J. Decker - Executive Secretary

Dated at Chicago, Illinois, this 12th day of June 1992.