

NATIONAL RAILROAD ADJUSTMENT BOARD
Third Division

PARTIES TO DISPUTE:

BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS, FREIGHT
HANDLERS, EXPRESS AND STATION EMPLOYES
MISSOURI PACIFIC RAILROAD COMPANY

DISPUTE.—“Request of employees that Mrs. Dorothy Bishop forfeit seniority as result of her failure to comply with force reduction Rule 19, set out in the Clerks’ Agreement effective August 1, 1926.”

FINDINGS.—The third Division of the Adjustment Board, upon the whole record and all the evidence, finds 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.

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

The parties to said dispute were given due notice of hearing thereon.

Mrs. Bishop was employed in a clerical capacity June 1, 1923. Her name was carried on consolidated seniority roster for Southern District.

She was displaced from regular assignment under force reduction, September 23, 1932.

She was assigned to service at Dupon, Ill., August 28, 1933, and displaced September 9, 1933, by a senior employe in the exercise of seniority, and since September 9, 1933 to date has performed such service as called for.

There is in evidence an agreement between the parties bearing effective date of August 1, 1926, and petitioner cites and relies upon Rules 19 and 26 thereof, reading:

RULE 19. * * * When forces are increased, employees shall be returned to service in the order of their seniority rights. Employees desiring to avail themselves of this rule must file their addresses with the proper official at the time of reduction, advise promptly of any change in address, and renew address each ninety (90) days. Employees failing to renew their address each ninety (90) days or to return to service within seven (7) days after being notified (by mail or telegram sent to the address last given), or give satisfactory reason for not doing so, will be considered out of the service. * * *

“RULE 26. Employees voluntarily leaving the service, will, if they re-enter, be considered new employees.”

There is evidence that Mrs. Bishop’s seniority was protected in accordance with Rule 19, from September 23, 1932 to February 1, 1933. She next filed her address, June 27, 1933.

On September 30, 1933, Mrs. Bishop was advised by her employing officer that her name had been eliminated from the roster for failure to comply with Rule 19, and there is no evidence that she did protect her seniority, under the provisions of Rule 19, subsequent to February 1, 1933. She, therefore, forfeited all seniority which had theretofore accrued.

Mrs. Bishop’s subsequent seniority, if any, shall be determined by the records and facts under the terms of the agreement.

AWARD

Claim sustained, as per above findings.

By Order of Third Division:

Attest:

NATIONAL RAILROAD ADJUSTMENT BOARD

H. A. JOHNSON,
Secretary

Dated at Chicago, Illinois, this 2nd day of December 1935.