

Award No. 12854
Docket No. MS-14502

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

William H. Coburn, Referee

PARTIES TO DISPUTE:

IRA PENDER

NEW YORK CENTRAL RAILROAD — Southern District

STATEMENT OF CLAIM: 1. My case involves the question of the agreement of January 19, 1961 re-transfer of work from Detroit, Michigan to Beech Grove, Indiana.

2. The dispute involves the violation of this agreement by management when they officially furloughed me indefinitely with a one hour verbal notice on June 28, 1963 (seven full months before the expiration of my guaranteed 3 years of work from my date of transfer to Beech Grove, Indiana on February 1, 1961).

OPINION OF BOARD: The record contains Claimant's admissions that, following his being displaced and furloughed from his position as Clerk in Carrier's car shops at Beech Grove, Indiana, —

"I am refusing all working assignments of a temporary nature"

and

"I am going back to Detroit where my family lives."

The parties authorized to interpret the Agreement on the property are in accord that, by so doing, Claimant relinquished his rights to guarantee payments under the Agreement of January 19, 1961. Thus, on the merits of the case there was no violation of the Agreement. In addition, the evidence of record reveals that this claim was not handled with the Carrier in accordance with the terms of the controlling Agreement.

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 Employee involved in this dispute are respectively Carrier and Employee 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.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 14th day of September 1964.