Award No. 18616
Docket No. SG-19012

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Arthur M. Devine, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF RAILROAD SIGNALMEN

PENN CENTRAL TRANSPORTATION COMPANY
Springfield Division of the Northeastern Region

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the former Boston and Albany Railroad that:

Carrier now be required to restore P. S. Usyk's (name to the) *seniority roster.

(Carrier's File: 114-B (SG69.18))

*The words in first bracket — "name to the" — were inadvertently omitted from our notice of intent dated August 31, 1970.

EMPLOYES' STATEMENT OF FACTS: There is an agreement in effect between the parties to this dispute bearing an effective date of April 1, 1952, as amended, which is by reference made a part of the record in this dispute. Rules in that agreement which were cited during the handling of this dispute on the property are Nos. 21, 22, and 25, and Article V of the August 21, 1954 National Agreement.

As a determination in the instant case will include a consideration as to what extent, if any, those rules apply, they are quoted here for ready reference:

"RULE 21: A seniority roster for Signal Department employes will be compiled for each seniority district. Rosters will show name of employe and date of entry into service and will be posted in places available for the employes.

Rosters will be revised in July of each year and will be open for protest for a period of sixty (60) days from the date of first posting or from first posting after agreed changes have been made. A seniority date not protested within sixty (60) days from the date of posting will be considered as permanently established. Any protests must be made in writing.

"Please refer to your letter of October 21, 1969, concerning the removal of Mr. P. S. Usyak's name from the list of rostered employees on the Springfield Division.

Mr. Usyak's name was removed from the roster in 1967, because he failed to return to service for a bulletined position as required. His name was not shown on the 1968, 1969 rosters.

Your request to restore Mr. Usyak's name to the seniority roster is not timely under the provisions of Rule 21 of the Agreement.

The request accordingly is denied."

The case was discussed in conference October 29, 1969, with Carrier continuing its contention Mr. Usyk did not comply with the provisions of the agreement and return to a bulletined position as required by Rule 25 of the Signalmen's Agreement.

CARRIER'S STATEMENT OF FACTS: There is on file with this Division an Agreement governing rules and rates of pay applicable to employes represented by the Brotherhood of Railroad Signalmen on the Springfield Division of the Northeastern Region of the Penn Central Transportation Company, effective April 1, 1952, which, by this reference, is made a part of Carrier's submission.

In a letter dated October 21, 1969, Carrier's Superintendent, Labor Relations and Personnel was notified by the Organization that P. S. Usyk was improperly removed from the seniority roster.

In a letter dated December 2, 1969, in response to the Organization's notification, the Superintendent replied in pertinent part:

"Mr. Usyak's [sic] name was removed from the roster in 1967, because he failed to return to service for a bulletined position as required. His name was not shown on the 1968, 1969 rosters.

Your request to restore Mr. Usyak's [sic] name to the seniority roster is not timely under the provisions of Rule 21 of the Agreement."

Thereafter, this claim was handled in the usual manner in accordance with the grievance procedure in applicable agreement provisions up to and including the Superintendent, Labor Relations and Personnel (now Superintendent, Labor Relations), who is the highest appeals officer on this Region of the Company. Failing to reach a mutually satisfactory settlement, the claim in this case has been submitted to this Board for final adjudication.

OPINION OF BOARD: From a careful review of the record, it is clear that the protest concerning the removal of Claimant P. S. Usyk's name from the seniority roster was not processed as required by the applicable time limit rules of the Agreement. We will, therefore, dismiss the claim.

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 Employes involved in this dispute are respectively Carrier and Employes 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 claim be dismissed.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: E. A. Killeen
Executive Secretary

Dated at Chicago, Illinois, this 30th day of June 1971.

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