

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21539
Docket Number CL-21479

Joseph A. Sickles, Referee

(Brotherhood of Railway, Airline and Steamship
(Clerks, Freight Handlers, Express and
(Station Employees

PARTIES TO DISPUTE:

(
(Grand Trunk Western Railroad Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood,
GL-8011, that:

1. The Carrier violated the current Working Agreement by improperly removing furloughed Clerk Mr. B. Cottrell from the 1974 seniority roster.

2. The Carrier shall now restore Mr. Cottrell to his proper position on the Grand Trunk Western Railroad seniority roster and compensate him for all lost earnings from June 6, 1974.

OPINION OF BOARD: The Claimant was furloughed in late April, 1974.
On or about June 6, 1974, Carrier terminated his seniority in asserted compliance with Rule 15(b):

"(b) Employees desiring to protect their seniority rights and to avail themselves of this rule must, within seven (7) days from the date actually reduced to the furloughed list, file their names and addresses in duplicate in writing, both with the proper officer (the officer authorized to bulletin and award positions) and the Local Chairman, and advise promptly of any change in addresses or forfeit all seniority rights, except in cases of personal illness or other unavoidable causes. The official and Local Chairman shall sign and return to the employee as a receipt one copy of the address or changes in address so filed."

The Employee, in submitting this claim, allege a violation of Rule 26 "Investigation."

We have reviewed this record in detail, but we find no probative evidence to show that Claimant complied with the mandatory provisions of Rule 15(b). Our conclusion that the rule is self-executing and provides for an automatic loss of seniority is consistent with Third Division Awards 21463, 20863, 20426, 20371, 18789, 17718 and 17596.

This type of self-executing rule is not within the contemplation of Rule 26.

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 Employees involved in this dispute are respectively Carrier and Employees 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.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. Paulos

Executive Secretary

Dated at Chicago, Illinois, this 19th day of May 1977.

