

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22221  
Docket Number CL-22115

Irwin M. Lieberman, Referee

(Brotherhood of Railway, Airline and  
( Steamship Clerks, Freight Handlers,  
( Express and Station Employees  
PARTIES TO DISPUTE: (  
(Elgin, Joliet and Eastern Railway Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood  
GL-8447, that:

"1. The Carrier violated the effective Clerks' Agreement when on March 25, 1976 it failed to afford Ms. Joan M. Walls an opportunity to fill a short vacancy on Position GT-56 in accordance with the terms of the Agreement and the effective calling procedure at Gary, Indiana.

2. The Carrier shall now compensate Ms. Joan M. Walls for eight (8) hours' pay at the time and one-half rate of Position GT-56 for March 25, 1976."

OPINION OF BOARD: Claimant alleges that Carrier failed to call her to fill a short vacancy to which she was entitled. The record reveals that on the claim date Carrier attempted to call Claimant to fill the vacancy at her last address and phone number of record. During the investigation of the claim, it was learned that on the day preceding this claim, Claimant executed a change of address form which was not received in Carrier's office until the following day, March 25th, the claim date. Carrier states that the form could not be processed and all affected notified in the brief period of time to permit the call to the new number on the same day.

There is no showing of negligence on the part of Carrier in processing the change of address. Claimant, however, was aware that she was moving and would have a new phone number in advance of March 25th and had the responsibility of notifying Carrier in a timely fashion if she wished to avoid the possibility of missing a call; not even a verbal notice to the proper official was attempted. Since Claimant failed to give Carrier timely notice of her new number, the claim must be denied.

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 15th day of November 1978.

