

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 26535  
Docket Number MS-26921

John E. Cloney, Referee

(David J. Maxwell

PARTIES TO DISPUTE: (

(National Railroad Passenger Corporation

STATEMENT OF CLAIM:

"Rule 21-A ABSENT WITHOUT PERMISSION"

OPINION OF BOARD: After Claimant last protected his position on December 11, 1984, Carrier had no contact with him until January 17, 1985, when it received a letter requesting a furlough. Thereafter Carrier notified Claimant it considered he had resigned in accordance with Rule 21-A. The Rule reads in part:

"(a) Employees who absent themselves from work for fourteen (14) consecutive days without notifying their supervisor shall be considered as having resigned. . . ."

Exceptions to the Rule are not applicable here.

Numerous decisions of this Board including Third Division Award 24255 have established that a Rule such as that applicable here is self-executing. Carrier was entitled to consider Claimant's seniority terminated in conformity with the Rule.

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.

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Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest:

A handwritten signature in cursive script, appearing to read "Nancy J. Dever", is written over a horizontal line.

Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 30th day of September 1987.