

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

AFFILIATED WITH THE A.F.L.-C.I.O. AND C.L.C.

GRAND LODGE

12050 WOODWARD AVE., DETROIT, MICHIGAN 48203

OFFICE OF
PRESIDENT



January 20, 1971

FILE SBA #605

Mr. John J. Berta
Assistant to President
704-06 Consumers Building
220 South State Street
Chicago, Illinois 60604

Dear Brother Berta:

Enclosed are copies of Awards Nos. 231 and 232 of Special Board of Adjustment No. 605, which were signed by Referee Friedman on November 16, 1970.

With best wishes, I am

Sincerely and fraternally

H. C. Crotty
President

Enclosures 2

CC: Mr. H. G. Harper-w/enclosures 2
Mr. A. J. Cunningham-W/enclosures 2



SPECIAL BOARD OF ADJUSTMENT NO. 605

PARTIES) Transportation-Communication Division
TO) Brotherhood of Railway, Airline and Steamship Clerks
DISPUTE) Freight Handlers, Express and Station Employees
and
Texas-Mexican Railway Company

QUESTION
AT ISSUE: E. N. Rivas, who has a seniority date of April 24, 1934, in the telegrapher craft, was displaced from his regular assignment on August 24, 1964. Account no work available to him in the telegrapher craft he was granted leave of absence September 24, 1964 to December 22, 1964, from the craft, for the purpose of performing work in other crafts. Mr. Rivas performed service in other crafts October 1, 1964 through January 9, 1965, retaining his seniority in the telegrapher craft. Mr. Rivas then was available for service in his craft (telegrapher) and performed the first work available to him which occurred on February 15, 1965.

Does E. N. Rivas qualify as a protected employee under Article I, Section 1 and therefore is entitled to the compensation guarantee provided in Article IV, Section 2?

OPINION
OF BOARD: After full consideration of the particular facts in this record the Disputes Committee holds that the claimant would qualify as a protected employe.

Because of the unique facts and circumstances of this docket, there is no intent to establish a precedent on this or any other carrier.

AWARD

The answer to the question is in the affirmative.


Milton Friedman
Neutral Member

DATED: Washington, D. C.
November 16, 1970