

SPECIAL BOARD OF ADJUSTMENT NO. 605

PARTIES) Brotherhood of Railway, Airline and Steamship Clerks,
TO) Freight Handlers, Express and Station Employees
DISPUTE) and
Monon Railroad

QUESTIONS

- AT ISSUE:
- (1) Did Carrier violate the provisions of Article I, Section 1 of the Agreement when it failed to restore furloughed employee S. L. Underwood to active service before March 1, 1965?
 - (2) Did Carrier violate the provisions of Article IV, Section 1 of the Agreement when it failed to compensate S. L. Underwood, commencing March 1, 1965, at the normal rate of compensation attached to the position to which he was regularly assigned on October 1, 1964?
 - (3) Shall Carrier now be required to properly compensate S. L. Underwood in accordance with the provisions of Article IV, Section 1, commencing March 1, 1965 and for each work day thereafter that he did not receive compensation as set forth in this Article.

OPINION

OF BOARD: On January 21, 1965, Claimant's position of Chief Clerk was abolished. Instead of displacing on several available positions occupied by junior employees, he elected to become a furloughed employee. In addition, on February 25, 1965, he wrote a letter to the Carrier, claiming he was unable to displace on several other positions held by junior employees in his seniority district due to his physical condition--a prior back injury sustained in 1958. Thereafter, on October 29, 1965, the position of Chief Clerk was reestablished and assigned to the Claimant.

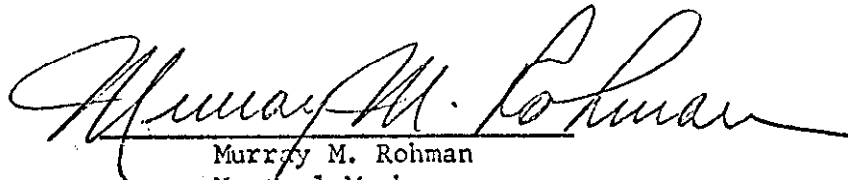
It appears from the record that a number of positions were available to the Claimant in the exercise of his seniority rights. However, he failed to exercise such rights, as well as limiting himself to positions which, in his opinion, he was qualified to perform.

Under the circumstances prevalent herein, we do not believe the Carrier was obligated to comply with Article IV, Section 1, of the February 7, 1965 Agreement. Furthermore, in our view, SBA No. 605, Award No. 39, is also pertinent herein.

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Award

Answer to questions 1, 2, and 3 is in the negative.


Murray M. Rohman
Neutral Member

Dated: Washington, D. C.
April 18, 1969