

SPECIAL BOARD OF ADJUSTMENT NO. 605

PARTIES) Brotherhood of Railway, Airline and Steamship Clerks, Freight
TO THE) Handlers, Express and Station Employees
DISPUTE) and
Eric Lackawanna Railway Company

QUESTIONS
AT ISSUE:

1. Did H. E. Elberty forfeit his protected status on March 18, 1965 by failing to bid for position of Crew Caller in view of understanding between the National Railway Labor Conference and the Five Co-operating Railway Labor Organizations that failure of an extra employee to exercise his seniority rights to obtain an available position occurring before November 24, 1965 nor for a period of 30 days thereafter, shall not deprive such employee of his protected status?
2. If answer to the above question is "No", shall Carrier be required to pay compensatory benefits due H. E. Elberty for the month of April, 1965 and subsequent months?

OPINION
OF BOARD:

It is the opinion of the Board that because of the unusual facts and circumstances involved in this case and without establishing a precedent on this or any other carrier, the claim of the employee involved who is not now in active service of the carrier should be denied.

AWARD

The case is disposed of as per Opinion of the Board.

W. L. Macgill C. L. Dennis
M. E. Parks J. E. Leighty

Dated: November 14, 1972

Washington, D.C.