

SPECIAL BOARD OF ADJUSTMENT NO. 605

PARTIES) Fort Worth & Denver Railway Company
TO THE) and
DISPUTE) Transportation - Communication Employees Union

QUESTIONS

AT ISSUE:

1. Does an employee (extra or regularly assigned) who retains or obtains (by bidding or displacing) a regular position when such is available to him after December 24, 1965, retain protected status under the terms of Article II, even though such employee may not have done so prior to December 24, 1965.
2. With respect to the application of Article IV, Section 6, is the Carrier required to furnish the Organization with list of protected employees together with the compensation guaranteed to each such listed employee computed as set forth in Article IV, Section 1 or 2?

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 claims of the employees involved, none of whom are now in active service of the carrier, should be denied. The Answer to Question No. 2 is "No"; see Awards Nos. 64 and 65.

AWARD

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

<u>W. B. Macgill</u>	<u>E. L. Dennis</u>
<u>M. E. Parks</u>	<u>J. E. Leighty</u>
Dated: <u>November 14, 1972</u>	

Washington, D. C.