

AWARD NO. 144
Case No. 175

PUBLIC LAW BOARD NO. 1582

PARTIES) THE ATCHISON, TOPEKA & SANTA FE RAILWAY COMPANY
TO)
DISPUTE) BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

STATEMENT OF CLAIM: Claim in behalf of Trackman O. Mendoza, Illinois Division, for the Carrier to reinstate claimant's name to the Illinois Division Trackman's seniority roster and compensate him for any time he may lose as a result of his name being removed from the seniority roster.

FINDINGS: This Public Law Board No. 1582 finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, and that this Board has jurisdiction.

In this dispute the claimant was notified December 6, 1979 that he was off-in-force reduction at close of work December 7, 1979. The claimant was further notified that he was subject to recall per Article 2, Section 6.

As of February 11, 1980 the claimant had not filed his address with the proper officer as prescribed by Article 2, Section 6 of the agreement. Thereafter by letter dated February 11, 1980 the claimant was advised that his name was being removed from the Trackman's roster for failure to file his address in accordance with Article 2, Section 6 of the agreement.

The Organization filed a claim to restore the claimant's name to the Illinois Division Trackman's seniority roster with compensation for any time lost as a result of his name being removed from the roster.

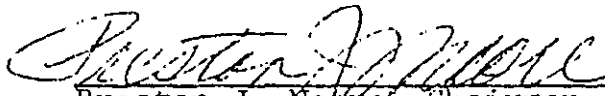
The claimant was rehired effective June 2, 1980, and the Carrier agreed to allow the Organization to pursue the Carrier's monetary liability for the period of February 11, 1980 to June 1, 1980.


The agreement provides that if an employee fails to file his address in writing with the Carrier within fifteen days after the reduction in force that such would result in forfeiture of seniority. The evidence herein is persuasive that the claimant failed to file his address in writing with the Carrier.

Under the circumstances herein there is no justification for pay for time lost. However, it is the opinion of the Board that the claimant's seniority should be restored and his effective date of seniority should be June 13, 1979.

AWARD: Claim disposed of as per above.

ORDER: The Carrier is directed to comply with this award within thirty days from the date of this award.


Preston J. Moore, Chairman


Organization Member


Carrier Member

Dated August 19, 1980