

PUBLIC LAW BOARD NO. 1582

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

STATEMENT OF CLAIM: Claim on behalf of former Trackman Leonard Stewart, Illinois Division, for reinstatement to service with seniority, vacation, all benefit rights unimpaired and pay for all wage loss beginning March 12, 1982, continuing forward, and/or otherwise made whole.

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 terminated from employment for his alleged failure to file his address in writing within 15 days after being displaced. The Organization contends that the claimant returned a card to the Division Engineer's Office which had his current mailing address immediately after his force reduction on February 23, 1982.

Therefore, the issue involved herein is whether or not the filling out of the card referred to can be interpreted as meeting the requirements of Rule 2, Section C of the agreement insofar as filing his address in order to retain seniority rights after having been reduced in force.

The evidence indicates that the card was a 1981 work status declaration which was given to the claimant by his section foreman in January of 1982 with instructions to complete it and return it to his foreman. This does not constitute the filing of an address as required by Rule 2, Section C of the agreement. Apparently the claimant visited the Division Office on March 25, 1982 and confirmed that at that time he failed to file his address. Under the circumstances the Board has no authority to overrule the decision of the Carrier.

AWARD: Claim denied.


Preston J. Moore, Chairman


Organization Member


Carrier Member