

AWARD NO. 254
Case No. 283

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 in behalf of former Trackman R. K. Hecker, Southern Division, for reinstatement to his former position with seniority, vacation, all benefit rights restored, commencing October 27, 1982, 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 notified by letter dated October 5, 1982 that he should return to service as soon as possible but not to exceed 15 calendar days. The letter was sent by certified mail, but the claimant failed to answer to recall within the 15 calendar days, and for that reason his name was removed from the seniority roster.

The Union contends the claimant did not receive the letter and points up that the claimant shares a post office box with his father. The Union further alleges that the claimant's father did not receive the letter.

The notification was sent by certified mail to the claimant's last known address listed with the Carrier. This is sufficient for the Board to find proper notice to the claimant. Under the circumstances there is no justification to set the termination aside.

AWARD: Claim denied.


Preston J. Moore, Chairman


Organization Member


Carrier Member

Dated January 5, 1984
at Chicago, Illinois