

PUBLIC LAW BOARD NO. 1760

Award No. 153

Case No. 153
N&W File MW-FTW-9363-BB-215

Parties Brotherhood of Maintenance of Way Employes
to and
Dispute Norfolk & Western Railway Company

Statement
of Claim: Claim on behalf of R. L. Bryant requesting pay at the
Carpenter rate for each day since July 7, 1993.

Findings: This Board has jurisdiction of this case by reason of
the parties Agreement establishing the Board therefor.

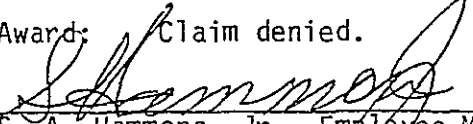
The Claimant, a Painter, was furloughed as such January 18, 1993. He applied for and was assigned to a Carpenter position, on or after June 11, 1993, subject to Agreement Rule 11. He failed to qualify and he was released therefrom on July 7, 1993.


The Claimant was recalled to a Painter position in Gang 206, effective July 12, 1993. Contractually, he had to respond thereto within ten (10) days. The Claimant neither reported or contacted the Carrier, as required by Rule 16. Hence, the Claimant's seniority rights were terminated by the Division Engineer via a certified letter dated July 28, 1993.

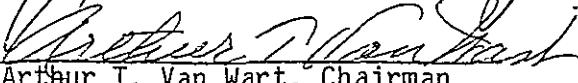
A claim was filed on or about August 12, 1993 asserting the claim at bar. It was denied and Carrier pointed out that the Claimant was disqualified as a B&B Carpenter. Also, that he held outside employment at the time of his release which probably caused him not to return as a Painter. The Claimant's disqualification was based on his inability or desire to qualify as a B&B Carpenter.

The handling of this case was consistent with the past handling of other similar cases. The record supports that conclusion and its denial.

Award: Claim denied.


S. A. Hammons, Jr., Employee Member


E. N. Jacobs, Jr., Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued July 30, 1994.