

PUBLIC LAW BOARD NO. 3308

Award No. 11

Case No. 11

PARTIES  
TO  
DISPUTE

Brotherhood of Maintenance of Way Employees  
The Atchison, Topeka and Santa Fe Railway Company

STATEMENT  
OF CLAIM

"Claim for reinstatement of former System Rail Laying Gang (Group 11, Class 1) employee Darrell Joe, for reinstatement to service with seniority, vacation, all other rights unimpaired, and with pay for wage loss beginning August 15, 1981, account the claimant's name being improperly removed from the seniority roster for failure to respond to recall."

FINDINGS Upon the whole record, the Board finds that the parties herein are Carrier and Employees within the meaning of the Railway Labor Act, as amended, and that this Board is duly constituted under Public Law 89-456 and has jurisdiction of the parties and the subject matter.

Claimant, who was an off-in-force-reduction employee, was recalled to service under the provisions of Rule 2, Section (c). The employee failed to report as directed and his name was removed from the seniority roster, as required by the Agreement.

On appeal to the Carrier, the Organization advises that:

"Our investigation reveals that Claimant Joe had extenuating family problems at the time he was recalled to service with the Carrier, therefore qualifies for consideration for reemployment at this time."

After a careful review of the entire record, the Board holds that Claimant be restored to service with seniority and other rights unimpaired, but without compensation for time lost while out of service.

AWARD Claim sustained as set out in Findings.

*W. Gorman*  
Carrier Member

*Clarence H. Herrington*  
Clarence H. Herrington  
Neutral Member

*J. E. Fleming*  
Organization Member