

PUBLIC LAW BOARD NO. 3308

Award No. 19
Case No. 20

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

STATEMENT
OF CLAIM

"Claim for reinstatement of former Trackman Darrell Burke, Northern Division, and that he be 'compensated at his respective pro rata rate from March 11, 1982 continuing forward until he is returned to service,' account the claimant's seniority being improperly removed from the seniority roster for failure to file his address."

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.

The dispute now before this Board is due to Claimant's alleged failure to file his address in compliance with Rule 2, Section (c) reading, in pertinent part, as follows:

"Employees laid off in force reduction shall retain their seniority provided they (1) file their address in writing within fifteen (15) calendar days after being displaced; xxxxx."

Carrier contends that Claimant did not file his address, in writing, as required within fifteen (15) days of furlough and since the rule is self-executing, the Claimant automatically lost his seniority.

We have reviewed the record in detail and find probative

evidence to support Carrier's contention that the Claimant failed to file his address, in writing, as required within fifteen days of furlough.

Rule 2, Section (c) is self-executing. Such position has been upheld by numerous awards by various Divisions of the National Railroad Adjustment Board. This Board can find no fault with such reasoning, therefore, we hold that the Agreement was not violated.

AWARD Claim denied.

Clarence H. Harrington
Clarence H. Harrington
Neutral Member

W. J. Carmon
Carrier Member

S. E. Fleming
Organization Member

Dated at Chicago, Illinois
March 1, 1983