

Award No. 21
Case No. 28

Public Law Board No. 3514

PARTIES
TO
DISPUTE:

Brotherhood of Maintenance of Way Employees
and
Consolidated Rail Corporation

STATEMENT
OF
CLAIM:

Claim in behalf of J. T. O'Callaghan for restoration of seniority reinstatement and reimbursement for all pay lost due to Carrier's decision that he had forfeited seniority.

FINDINGS:

Claimant had been absent without permission beginning on August 7, 1982 and by letter of August 25, 1982, was notified by Carrier that he had forfeited seniority under Rule 28(b).

Rule 28(b) unambiguously stipulates that an employee shall forfeit his seniority if absent from his assigned position for over 14 consecutive days.

Nothing in the record now before us provides a valid basis for an exception to Rule 28(b). It is not this Board's province to pass upon the merits of that Rule. We find no persuasive ground on this record for setting aside the forfeiture of seniority.

AWARD:

Claim denied.

Adopted at Philadelphia, Pa., October 4, 1984.



Harold M. Weston, Chairman



Carrier Member



Employee Member