

PUBLIC LAW BOARD 3765  
(Expedited Procedure)

Award No. 58

Parties to Dispute:

Brotherhood of Maintenance of Way Employees  
and  
Grand Trunk Western Railroad Incorporated

Statement of Claim:

Claim appealing the seniority forfeiture of K. R. Ferris,  
whose job was abolished effective November 8, 1991,  
account failure to exercise his seniority rights as prescribed  
by Rule 5(a)(2).

Upon the whole record and all the evidence, after hearing, the Board finds that the parties herein are carrier and employee within the meaning of the Railway Labor Act, as amended, and this Board is duly constituted by agreement under Public Law 89-456 and has jurisdiction of the parties and subject matter.

It has been agreed that this Award is without prejudice to the position of either party.

A W A R D

Claim disposed of as follows:

claim denied. did not meet time  
limits

R. E. Dennis  
R. E. Dennis, Neutral Member

Donald Bartholomay  
Donald Bartholomay  
Employee Member

R. J. O'Brien  
R. J. O'Brien  
Carrier Member

Date: December 4, 1995