

PROCEEDINGS BEFORE PUBLIC LAW BOARD NO. 3781

AWARD NO. 33

Case No. 103

Referee Fred Blackwell

Carrier Member: R. O'Neill

Labor Member: W. E. LaRue

PARTIES TO DISPUTE:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

vs.

CONSOLIDATED RAIL CORPORATION

STATEMENT OF CLAIM:

Docket No. CR-2483 - Claimant Terpetra - Seniority Forfeiture  
Request for reinstatement of Canton MW Shop, BMWE seniority.

FINDINGS:

Upon the whole record and all the evidence, after March 20, 1989 hearing in Washington, D. C., the Board finds that the parties herein are Carrier and Employees within the meaning of the Railway Labor Act, as amended; that the Claimant, who was duly notified of said hearing and of his right to be present and participate in same, did not attend said hearing; and that this Board is duly constituted by agreement and has jurisdiction of the parties and of the subject matter.

OPINION

This is an appeal from the Carrier's action of removing the Claimant from the BMWE Seniority Roster of the Canton Shop Seniority District under Rule 4, Section 2 (b) of the parties' February 1, 1982 Schedule Agreement as amended June 14, 1982.

The record reflects that the Claimant held seniority under the BMWE Agreement through April 1, 1986; and that on April

2, 1986, the Claimant was awarded a Machinist position under representation by the IAM. Accordingly, by virtue of his acceptance of this job award, the Claimant's rights including his seniority standing under the BMW Agreement were terminated.

In view of the foregoing, and based on the record as a whole, the Board concludes and finds that the Claimant's name was properly removed from the BMW Seniority Roster and in consequence, his claim will be denied.

**AWARD:**

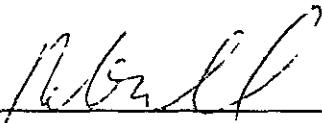
Claim denied.

The parties have been notified of this Award by Memorandum Letter dated March 23, 1989.

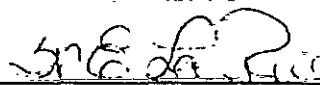
BY ORDER OF PUBLIC LAW BOARD NO. 3781.



Fred Blackwell, Neutral Member



R. O'Neill, Carrier Member



W. E. LaRue, Labor Member

Executed on June 5, 1989

CON-3781\33-103.520