

BEFORE PUBLIC LAW BOARD NO. 6043**BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES****and****ILLINOIS CENTRAL RAILROAD COMPANY****Case No. 2****STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that:**

1. The Agreement was violated when the Carrier removed Lead Motor Car Repairman R. M. Russell's name from the 1996 Lead Motor Car Repairman Seniority Roster (Carrier's File 266 BMW).
2. As a consequence of the aforesaid violation, Lead Motor Car Repairman R. M. Russell shall now have his name restored to the appropriate seniority roster.

FINDINGS:

The Organization filed the instant claim on behalf of the Claimant after his name had been omitted from the 1996 Lead Motor Car Repairman Seniority Roster. The Organization contends that the Claimant had established seniority as a lead motor car repairman on March 23, 1981, and had been listed on each subsequent roster with that date.

The Carrier contends that the Claimant's position had been abolished effective March 10, 1983. The Claimant had been notified and he subsequently exercised his seniority to a Motor Car Repairman position. He had voluntarily demoted himself. The Carrier contends that it had notified the Organization of that in a letter dated July 17,

1985, describing the circumstances attributed to the Claimant's voluntary demotion. The Carrier explains that the Claimant's name had appeared on the seniority roster in error from 1985 until 1995 and was correctly removed from the 1996 roster. The Carrier denied the claim.

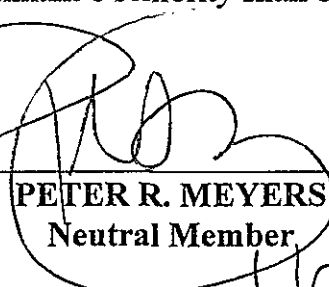
The parties being unable to resolve the issue, this matter came before this Board.

This Board has reviewed the record in this case and we find that the Carrier erroneously and in violation of the Agreement removed the Claimant's name from the 1996 Lead Motor Car Repairman Seniority Roster. We disagree with the Carrier's position that the Claimant failed to retain his proper seniority by demoting himself.

Consequently, this Board has no choice but to sustain the claim. The Claimant's seniority shall be reinstated to the appropriate seniority roster as of the date of this Award.

AWARD

Claim sustained. The Claimant's seniority shall be restored to the appropriate seniority roster instant.


PETER R. MEYERS
Neutral Member


CARRIER MEMBER


ORGANIZATION MEMBER

Dated: 7-6-98

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