

PUBLIC LAW BOARD NO. 6461

Case No. 10

Award No. 10

PARTIES

Brotherhood of Maintenance of Way Employees

To

- and -

DISPUTE:

Grand Trunk Western Railway

STATEMENT OF CLAIM:

Appeal of R. Wicke to have his seniority restored.

FINDINGS: The record shows the claimant's position was abolished at the close of business, April 26, 2002. There is no dispute that during his displacement period, the claimant contacted the Carrier several times and explained that he was having car problems and that it was in the garage for repair. On Monday, May 6, 2002, claimant furnished the Carrier with a copy of his car repair bill and attempted to exercise his seniority, but was denied that right by the Welding Supervisor, advising the claimant that his bumping period had expired.

The Organization asserts, that based on his conversations with Carrier's administrative personnel, the claimant was left with the impression that due to his car problem, his time in which to exercise his seniority had been extended.

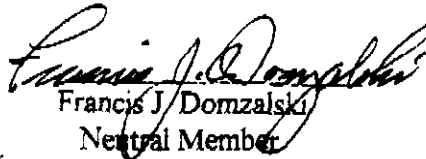
Based solely on the particular facts and circumstances involved in this case, and the apparent miscommunication between the claimant and Carrier's administrative staff, we deem that claimant's seniority should be restored, but without any back pay for time lost.

It is understood that this Award is not to be used as a precedent in any future case.

AWARD: As specified in the Findings.



Marilyn J. Kovacs
Carrier Member



Francis J. Domzalski
Neutral Member



Perry K. Geller, Sr.
Organization Member

Dated: 8-23-02