

PUBLIC LAW BOARD NO. 1582

PARTIES) THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY
TO)
DISPUTE) BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

STATEMENT OF CLAIM:

1. Carrier violated Rule 2(c) of the Agreement by removing Employee D. A. Campos' name from the Kansas Division Trackman's seniority roster by failing to afford Claimant the opportunity to present his reason for not answering recall before removing his name.

Accordingly, Carrier should be required to reinstate the Claimant's seniority and compensate him for all time lost from March 23, 1989 forward.

FINDINGS: This Public Law Board No. 1582 finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, and that this Board has jurisdiction.

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In this dispute the claimant was notified by letter dated February 24, 1989 that he was being recalled to service as of February 24 and if he did not report within 15 calendar days from February 27, 1989 his seniority would be forfeited as outlined in Rule 2(c) of the Agreement between the parties.

By letter dated March 23, 1989 the Carrier wrote the claimant that he had failed to report as requested, and his seniority was being forfeited on the Plains Seniority District. The General Chairman filed an appeal. The Union urged that the removal of the claimant from the seniority list was improper under the Agreement between the parties.

The facts in this case are not in dispute. The claimant did not report for duty as directed by the Carrier within the 15 days permitted. The evidence indicates the claimant may not have received the letter, but the letter was sent to his last address which he had listed with the Carrier.

Previous awards of the National Railway Adjustment Board support a finding that the claimant's failure to report as directed justified loss of seniority. See Awards No. 28143 and 28144 of the Third Division.

On the foregoing basis the Board finds there is no support for the claim.

AWARD: Claim denied.

Preston J. Moore
Preston J. Moore, Chairman

*Dated at Chicago, Illinois
December 4, 1989*

C. F. Foose
Union Member

L. L. Pope
Carrier Member