

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: Carrier's decision to remove System Steel Gang Group 11 Trackman Elmer Yazzie's name from the seniority roster was unjust.

Accordingly, Carrier should be required to reinstate Claimant Yazzie's seniority and compensate him for any wage lost beginning April 3, 1989.

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.

In this dispute the claimant was recalled to service effective on April 3, 1989 to work with Steel Gang No. 322. The letter recalling the claimant was dated March 9, 1989, and in addition to recalling him to work, advised him that failure to report as indicated would result in loss of seniority.

The claimant failed to report for work and by letter dated April 3, 1989 the Carrier advised the claimant he was being removed from the seniority roster and was forfeiting all seniority rights. The Carrier introduced into evidence the return receipt for certified mail delivery of this letter.


The Union contends the claimant had valid reasons for not reporting within the 15 days. The Union contends the claimant attempted to contact the Carrier but was unable to reach the proper authority.

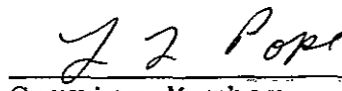
The Board has examined Rule 2(c) of the Agreement dated January 1, 1984 and finds the Carrier properly complied with the rule and had just cause to terminate the claimant's seniority.

AWARD: Claim denied

*Dated at Chicago, Illinois
June 11, 1990*


Preston J. Moore, Chairman


Union Member


Carrier Member