

PUBLIC LAW BOARD NO. 2774

Award No. 72
Case No. 109

PARTIES
TO
DISPUTE

Brotherhood of Maintenance of Way Employees
and
Atchison, Topeka and Santa Fe Railway Company

STATEMENT
OF CLAIM

- "1. That the Carrier violated the provisions of the current agreement when on February 23, 1983, it removed Trackman L. E. Saiz's name from the seniority roster and terminated his seniority and employment relationship with the Carrier, and in so doing caused claimant loss of compensation rightfully belonging to him by virtue of his seniority rights under the current agreement.
2. That Claimant Saiz's name now be placed on the appropriate seniority roster and that his employment relationship and seniority be reinstated with compensation for all wage loss suffered with seniority and all other rights restored unimpaired."

FINDINGS

Upon the whole record, after hearing, the Board finds that the parties herein are Carrier and Employees within the meaning of the Railway Labor Act, as amended, and that this Board is duly constituted under Public Law 89-456 and has jurisdiction of the parties and the subject matter.

In this dispute, the claimant received a letter abolishing his position and furloughing him dated January 28, 1983, effective at the close of the shift on February 4, 1983. Subsequently, Carrier did not receive the letter containing claimant's address within the period specified in Rule 2, Section (c) of the agreement. On February 23, 1983, a letter was addressed to claimant terminating his services as a result of his failure to conform to Rule 2.

This dispute is in all respects identical to that described in Award No. 71 of this Board. It is on all fours with the prior matter even with respect to the dates of the termination notice and the original furlough letter. For the reasons indicated and on the same basis as that contained in Award No. 71, this claim also must be denied.

PLB No. 2774

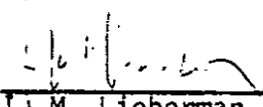
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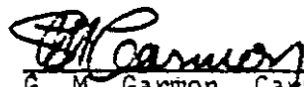
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AWARD

Claim denied.


I.M. Lieberman, Neutral-Chairman


C. F. Foote, Employee Member


G. M. Garmon, Carrier Member

Chicago, Illinois

July 23, 1984