

PUBLIC LAW BOARD NO. 2774

Award No. 73
Case No. 110

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 F. J. Sais'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 F. J. Sais'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.

Claimant F. J. Sais was furloughed by letter dated January 28, 1983, effective with the close of his shift, February 4, 1983. As in the two immediately prior awards of this Board, the claimant did not furnish a copy of his address as prescribed in Rule 2, Section (c), of the agreement. In this case, as in the prior two disputes, claimant insisted that he furnished his address by placing the material in the mails but established no proof that such was ever received by Carrier.

Since this claim is identical with that contained in Awards 71 and 72 of this Board, and for the reasons indicated in Award No. 71, this claim also must be denied.

AWARD

Claim denied.

I. M. Lieberman, Neutral-Chairman

C. F. Foose
C. F. Foose, Employee Member

G. M. Garmon
G. M. Garmon, Carrier Member

Chicago, Illinois

July 23, 1984