

Award No. 31
Case No. 38

Public Law Board No. 3514

PARTIES
TO
DISPUTE:

Brotherhood of Maintenance of Way Employees
and
Consolidated Rail Corporation

STATEMENT
OF
CLAIM:

Claim in behalf of Donald Wenner for reinstatement, restoration of seniority and lost pay resulting from loss of seniority.

FINDINGS:

Rule 28(b) unambiguously provides that an employee shall forfeit his seniority if absent from his assigned position in excess of fourteen consecutive days.

The record establishes that claimant was in fact absent from his assigned position for more than 14 consecutive days. His absence was due to 30-day incarceration by civil authorities for drug-related violations.

Confinement in jail does not constitute unavoidable absence or provide a valid basis for an exception to Rule 28. See Third Division Awards 24606 and 22868, e.g. It was claimant's own fault that he was not able to protect service for Carrier during the lengthy period he was absent.

AWARD:

Claim denied.

Adopted at Philadelphia, Pa., October 4, 1984.



Harold M. Weston, Chairman



Carrier Member



Employee Member