

PUBLIC LAW BOARD NO. 3765

Parties
to the
Dispute

GRAND TRUNK WESTERN RAILROAD COMPANY

vs.

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

Case No. 12
Award No. 12

STATEMENT OF CLAIM

H. T. Tanner-Seniority forfeiture. Request that he be returned to service.

OPINION OF THE BOARD

Claimant H. T. Tanner was hired as a Trackman on July 13, 1977. On November 16, 1979, he was notified that he would be laid off at the end of the day. The letter notifying Claimant of his layoff also informed him that he may exercise his seniority within 15 days in accordance with the Union Agreement, Rule 5(a)(1). That Agreement reads as follows:

Failure to make displacement within (15) days without furnishing satisfactory evidence to the Company justifies such failure will result in forfeiture of seniority.


Claimant failed to displace within the 15 days specified and Carrier informed him that he therefore had forfeited his seniority.

This Board has reviewed the record and concludes that Carrier did not act improperly in this instance. Rule 5(a)(1) is a self-implementing rule. If an employee fails to displace within 15 days of being furloughed, his or her seniority is forfeited. Carrier has no choice in the matter. Claimant was aware of the Rule. He had been laid off twice before and displaced within the 15-day limit. The fact that he did not have a copy of the Agreement in his possession at the time he was laid off is not excuse for failing to displace within the 15-day limit. Claimant in this instance failed to act at his own peril.

AWARD

The claim is denied.


R. B. Dennis, Neutral Member


R. J. O'Brien, Carrier Member


W. E. LaRue, Employee Member

5-23-88
Date of Adoption