

Award No. 18
Case No. 27

Public Law Board No. 3794

PARTIES
TO
DISPUTE:

Brotherhood of Maintenance of Way Employees
and
Seaboard System Railroad

STATEMENT
OF
CLAIM:

1. The dismissal of Trackman S. Quick was without just and sufficient cause and was excessive.
2. Claimant shall now be reinstated with seniority and all other rights unimpaired and be compensated for all wage loss suffered.

FINDINGS:

On August 15, 1984, claimant was dismissed from Carrier's service when he did not respond on July 22, 1984 to a morning roll call of an L & N System Rail Laying Gang working on the Corbin Division. In the course of the discussion that ensued that morning, he verbally threatened a supervisor who was acting in line with his responsibilities. That case was considered by Public Law Board 2363 in detail in Award 117. Carrier's findings and decision were upheld by Board 2363 in that case.

Petitioner points out that claimant had established seniority as a Trackman in the Seaboard Coast Line Track Subdepartment, Group A, Rocky Mount and Raleigh Division Seniority District

on April 9, 1979, long before the above mentioned incident. While on furlough from the Raleigh District, he began work on the L & N Rail Laying Gang on July 22, 1984. The incident in question - beginning with his failure to answer the morning roll call took place two days later.

It is Petitioner's position that since Carrier has not accorded claimant a hearing under Rule 39 of the Seaboard Coast Line Agreement, claimant was never properly dismissed from Seaboard. It reasons that the L & N Agreement, under the terms of which claimant was dismissed on August 15, 1984, is not applicable to the present case where claimant's seniority on the former Seaboard Coast Line Railroad is at stake.

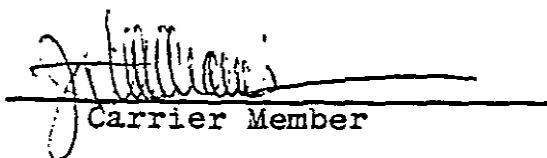
Seaboard Coast Line and the L & N are part of the Seaboard System Railroad. Accordingly, when an employee has been duly dismissed under the terms of the agreement of the L & N, his employment relationship with the Seaboard System is also severed and the rights he may have had with any other craft or member of the System are dissolved. That principle is well established. See Third Division Awards 24604, 12104, 9974.

AWARD: Claim denied.

Adopted at Jacksonville, Florida, *November 6* 1985.



Harold M. Weston, Chairman



Carrier Member



Employee Member