

NATIONAL MEDIATION BOARD

PUBLIC LAW BOARD NO. 6302

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

and

UNION PACIFIC RAILROAD COMPANY

)
) Case No. 22
)
) Award No. 21
)

Martin H. Malin, Chairman & Neutral Member
D. D. Bartholomay, Employee Member
D. A. Ring, Carrier Member

Hearing Date: March 2, 2001

STATEMENT OF CLAIM:

1. The Agreement was violated when the Carrier terminated the seniority of extra gang employee J. L. Lewis without proper notification pursuant to Rule 14(a) and/or failed to provide him with a fair and impartial hearing pursuant to Rule 48 (System File J-9848-72/1168720).
2. As a consequence of the violation referred to in Part (1) above, Mr. J. L. Lewis shall now be reinstated with seniority and all other rights unimpaired, compensated for all wage loss suffered and have the incident removed from his personal record.

FINDINGS:

Public Law Board No. 6302, upon the whole record and all the evidence, finds and holds that Employee and Carrier are employee and carrier within the meaning of the Railway Labor Act, as amended; and, that the Board has jurisdiction over the dispute herein; and, that the parties to the dispute were given due notice of the hearing thereon and did participate therein.

Claimant was hired by Carrier on September 8, 1998. On September 21, 1998, Claimant's Supervisor informed him that he was released from service. A written letter dated July 15, 1999, notified Claimant that his application for employment had been disapproved,

effective September 21, 1998.

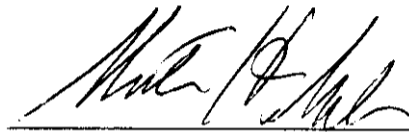
The Organization relies on Rule 14(a), which provides:

Applications for employment will be rejected within sixty (60) calendar days after seniority date is established, or applicant shall be considered accepted. Applications rejected by the Carrier must be declined in writing to the applicant.

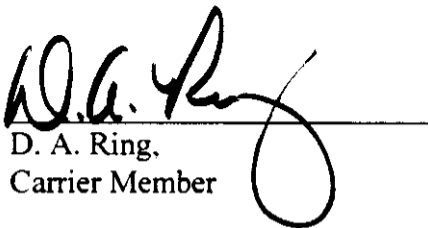
The Organization contends that Rule 14(a) requires that written rejection of an employee's application must be given within sixty calendar days of the date the employee established seniority. In Case No. 16, Award No. 2 we rejected this interpretation of Rule 14(a). We held that the Rule requires only oral notification of rejection of the application for employment within the sixty day period, provided that written notification is sent within a reasonable time. There is no contention before us that written notification was not sent within a reasonable time. Accordingly, the claim must be denied.

AWARD

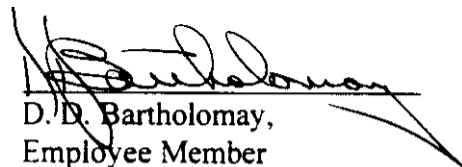
Claim denied.



Martin H. Malin, Chairman



D. A. Ring,
Carrier Member



D. D. Bartholomay,
Employee Member

Dated at Chicago, Illinois, April 30, 2001.