

SPECIAL BOARD OF ADJUSTMENT NO. 266

TRANSPORTATION-COMMUNICATION EMPLOYEES UNION

vs.

ERIE LACKAWANNA RAILROAD COMPANY

STATEMENT OF CLAIM:

Claim of the General Committee of the Transportation-Communication Employees Union on the Erie Lackawanna Railroad that:

1. The Carrier violated the Telegraphers' Agreement when it failed, and has since refused, to remove the name of F. F. Dayton from the Telegraphers' Seniority Roster of the Morris and Essex District on or after October 13, 1956.
2. Carrier shall now be required to remove said Dayton's name from roster and his seniority under the Telegraphers' Agreement be declared forfeited as of the date he accepted employment as yardmaster.

OPINION OF BOARD:

Organization contends Mr. F. F. Dayton, who held seniority under the TCU Agreement at the time of his promotion to a Yardmaster position in October, 1956, should have been removed from the TCU seniority roster at the time of this promotion. In addition, Organization contends Carrier's denial of the resulting claim was made on an untimely basis.

The evidence discloses that subsequent to the filing of this claim Mr. F. F. Dayton resigned from Carrier's service. The claim is therefore moot.

AWARD:

Claim dismissed.

*Lloyd H. Bailer*

Lloyd H. Bailer, Neutral Member

*R. J. Woodman*

R. J. Woodman, Employee Member

*R. A. Carroll*

R. A. Carroll, Carrier Member