

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 300

Case No. 300

Parties Brotherhood of Maintenance of Way Employees
to and
Dispute Union Pacific Railroad Company
(former Missouri Pacific Railroad Company)

Statement

of Claim: 1. Carrier violated the current working agreement, especially Rule 2(j) in removing former Trackman Edwin D. Jett's name and seniority date from the Trackman's seniority roster back in January of 1985.

2. Trackman Jett should now be allowed eight (8) hours pay for each work day including any holidays falling therein and any overtime which would have accrued to him if he had been permitted to work, beginning January 14, 1986 and continuing until he is reinstated to service as a Trackman with all his seniority, vacation, and all other right unimpaired, including payment of all premiums for insurance (hospital association, health, and welfare).

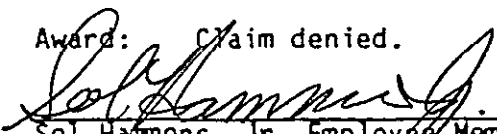
Findings: The Board has jurisdiction of this case by reason of the parties Agreement of January 5, 1959.


Claimant on January 7, 1985, held a position on a Crossing Gang. He was displaced therefrom on January 8, 1985 by a senior employee. Claimant failed to file his name and address with the appropriate official as required by Rule 2(j) reading:


"(j) ...to be eligible for recall of service under this rule the furloughed employee must file his name and address in writing with the appropriate division officer with copy to the local chairman within ten (10) days after being furloughed, and failing to file name and address will forfeit his seniority..."

Claimant filed this claim in the summer of 1985. Aside from the untimeliness of Claimant's filing of his claim, Rule 2(j) is self-executing and Claimant failed to file within 10 days. His failure to comply with Rule 2 (j) causes him to relinquish his seniority and his claim must be denied.

Award: Claim denied.


Sol Hammons, Jr. Employee Member


J. J. Shannon, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued November 15, 1988.