

PROCEEDINGS BEFORE SPECIAL BOARD OF ADJUSTMENT NO. 280

PARTIES TO DISPUTE:

Brotherhood of Maintenance of Way Employees

and

St. Louis Southwestern Railway Company

Case No. 62

Award No. 62

STATEMENT OF CLAIM:

1. The Carrier violated the effective Agreement by failing to call senior laborer H. D. Cooper for work on Extra Gang No. 33, beginning October 4, 1960 and ending October 14, 1960.
2. Claimant laborer H. D. Cooper be now compensated for the number of work days lost to him because of the Carrier's violation of the Agreement, referred to.

FINDINGS:

Upon the whole record and all the evidence, after hearing, the Board finds that the parties herein are carrier and employee within the meaning of the Railway Labor Act, as amended, and that this Board is duly constituted by agreement and has jurisdiction of the parties and of the subject matter.

The claimant holds seniority as a laborer in the Northern Division Roster here involved. He was furloughed on January 2, 1960. At that time, he filed his name and address with Roadmaster Yarbrow on whose territory he was working at the time he was furloughed. He furnished a copy to the General Chairman's office and a copy to the Chief Engineer. In the notice filed on January 2nd, 1960, he stated:

"I am available for work and can be reached at the following address, RT. 4, Box 42-A, Paragould, Arkansas."

Beginning October 4, 1960, the carrier had need for the services of a laborer in Extra Gang No. 33. Instead of calling the claimant, the carrier called his junior, Ben O. Bolin.

From the evidence of record, the claimant had complied with rules of the carrier as to his availability. On October 4, 1960, Bolin, who was junior to the claimant, was called to fill the vacancy on Extra Gang No. 33. The claimant should have been called for this vacancy. The claim will be allowed from October 4, through October 14, 1960.

AWARD: Claim sustained from October 4, through October 14, 1960.

/s/ Thomas C. Begley
Thomas C. Begley, Chairman

/s/ A. J. Cunningham
A. J. Cunningham, Employee Member

Dated at Tyler, Texas
April 25, 1966.

/s/ M. L. Erwin
M. L. Erwin, Carrier Member