

SPECIAL BOARD OF ADJUSTMENT NO. 924

Award No. 120
Docket No. 128

PARTIES: Brotherhood of Maintenance of Way Employees

TO :

DISPUTE: Chicago and North Western Transportation Company

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood that:

- (1) The Carrier violated the Agreement when it removed the name of T.C. Reeves from the Seniority District T-2 seniority roster. [Organization File 4SW-1168 T; Carrier File 81-87-92]
- (2) The Carrier shall now be required to restore T.C. Reeves' name to the appropriate Seniority District T-2 seniority rosters and compensate him for all wage loss suffered."

FINDINGS:

This Board, upon the whole record and all the evidence, finds and holds that the employees and the Carrier involved are respectively employees and Carrier within the meaning of the Railway Labor Act as amended and that the Board has jurisdiction over the dispute herein.

On November 26, 1986, Claimant was displaced by a senior employee. On December 16, 1986, Carrier informed Claimant that his name was being removed from the seniority roster because Carrier had not received his seniority retention form within the specified time limit. The Organization thereafter filed a claim on Claimant's behalf, challenging Claimant's removal from the seniority roster.

This Board has reviewed the record in this case, and we find that there has been insufficient evidence produced to demonstrate that the Claimant mailed the form to the assistant division manager within 15 days as required by Rule 10. The Claimant was displaced on November 26, 1986, and the record contains evidence that the Claimant mailed his rights retainer letter to the assistant division manager on December 12, 1986. Rule 10 requires that the letter be sent on or


before December 11, 1986, and the Claimant was clearly a day late. The Carrier has produced the envelope which contains a clear postmark showing December 12, 1986, as the date of mailing.

Although the employees have submitted a copy of the rights retainer letter which was sent to the general chairman on December 11, 1986, the rules require that the rights retainer letter must be mailed to the assistant division manager within the 15-day period. It is only the mailing of the form to the assistant division manager which protects the Claimant's seniority.


This Board is without authority to extend the period of time set forth in Rule 10. Although there is only one day involved, this Board must find that the Claimant did not file his rights retainer within the 15 days set forth in Rule 10. Therefore, the claim must be denied.

Award:

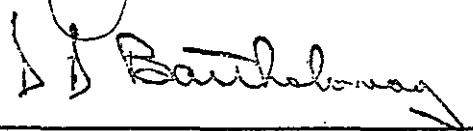
Claim denied.



Neutral Member



Carrier Member



Organization Member

Date: Sept. 23, 1988