

SPECIAL BOARD OF ADJUSTMENT NO. 1110

Award No. 27

Case No. 27

PARTIES TO THE DISPUTE:

BROTHERHOOD OF MAINTENANCE WAY EMPLOYEES

and

CSX TRANSPORTATION, INC. (Former Louisville
and Nashville Railroad Company).

STATEMENT OF CLAIM:

Claim of the System Committee of the Brotherhood that:

1. The Agreement was violated when the Carrier arbitrarily removed Mr. C.C. Bryant, Jr.'s Rank 3, 4, 5 and 6 seniority dates from the Birmingham South End Seniority District and the SPG Roster [System File 17(5)(94)/12(95-0357) LNR].

2. As a consequence of the aforesaid violation, the Carrier shall now reinstate Claimant C.C. Bryant, Jr.'s Rank 3, 4, 5 and 6 seniority dates to their respective positions on the Birmingham South End Seniority District and the SPG Roster.

FINDINGS:

This Board, upon the whole record and all of the evidence, finds and holds as follows:

1. That the Carrier and Employees involved are, respectively, Carrier and Employees within the meaning of the Railway Labor Act, as amended, and;

2. That the Board has jurisdiction over this dispute.

3. That Claimant C.C. Bryant, Jr. entered the Carrier's service on March 23, 1981 and established seniority in the Track Sub-department on the Birmingham South End (S&NA South) Seniority District in Ranks 3, 4, 5 and 6. Claimant was furloughed in 1988;

when he checked a System Production gang (SPG) in 1994, he noticed that his S&NA seniority dates were not listed thereon.

4. The Organization asserts that Claimant's seniority dates were improperly removed and/or omitted from the rosters in question under Rule 9 of the Agreement. The Carrier asserts that Claimant failed to respond to a recall notice issued to him on July 21, 1988 and thus forfeited his seniority and his name was removed from the seniority roster. The Carrier points out that the recall notice was forwarded by certified mail, and that the certified mail receipts were provided to the Organization. The Carrier further claims that it received no subsequent notice from Claimant until December 1994 when his claim was filed.

OPINION:

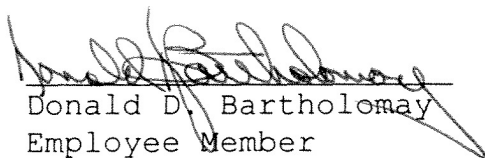
After careful review of the facts and arguments of the Parties, the claim is denied.

AWARD:


The Claim is denied in accordance with the Opinion of the Board.



E. William Hockenberry
Chairman and Neutral Member



Donald D. Bartholomay
Employee Member



Patricia A. Madden
Carrier Member

Dated: OCT 25 1999