

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 367

Case No. 367

File 870803G

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

Statement

of Claim: (1) Carrier violated the Agreement, especially Rules 2 and 5, when System Rail Gang employee D. D. Johnson was advised that he had forfeited all seniority on the System Rail Gang Roster.

(2) Claim in behalf of System Rail Gang employee D. D. Johnson for eight hours each work day, including any holidays falling therein, and any overtime that would have accrued to him beginning August 7, 1987 and continuing until he is returned to his position on System Rail Gang and his seniority is restored to him.

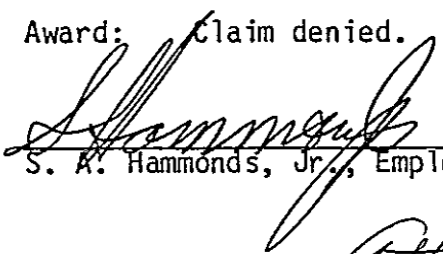
Findings: The Board has jurisdiction by reason of the parties Agreement establishing this Board.

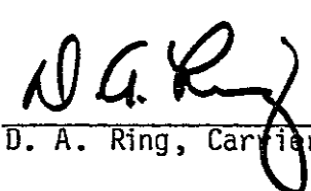
Claimant was employed as a Trackman. He was laid off around March 1st through March 11, 1987. On April 1, 1987 the Engineer of Track issued a letter indicating he should report to St. Louis, Missouri within 7 days of receipt. On April 27 Engineer of Track issued a second letter wherein he indicated that since he failed to respond to the recall letter he forfeited all seniority on the rail gang roster. Rule 2J, in part, reads:


"Failure to return to service within seven (7) calendar days after recall for regular assigned...will forfeit seniority in class for which called..."

Claimant was called as a Trackman. Therefore, he forfeited his Trackman's seniority.

Award: Claim denied.


S. A. Hammonds, Jr., Employee Member


D. A. Ring, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued September 30, 1989.