

AWARD NO. 62  
Docket No. 62

SPECIAL BOARD OF ADJUSTMENT NO. 279

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES  
versus  
MISSOURI PACIFIC RAILROAD COMPANY

STATEMENT

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

- (1) The Carrier violated the effective Agreement by failing to notify B&B Laborer T. D. Leal to report for work April 16, 1959, in Bridge Gang No. 1.
- (2) The Carrier now compensate B&B Laborer T. D. Leal for 8 hours pay at his respective rate on each work day during the period April 16 to May 5, 1959, inclusive, account of this violation of Agreement referred to in part (1) of this claim.

FINDINGS: This case involves a question of notice of recall to work under Rule 3(f) which provides for notice by mail or telegram to the last known address. The Carrier's records show that a letter of recall was mailed to the claimant on April 13, 1959. This complies with the requirements of Rule 3(f) even though the claimant denies receiving the same because the rule is that evidence of mailing satisfies the requirement for notice by mail.

AWARD: Claim denied.

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(s) Dudley E. Whiting  
Dudley E. Whiting - Chairman

(s) A. J. Cunningham  
A. J. Cunningham - Employee Member

(s) G. W. Johnson  
G. W. Johnson - Carrier Member

St. Louis, Missouri  
September 6, 1962  
File BMWE 19-59