

SPECIAL BOARD OF ADJUSTMENT NO. 924

Award No. 117
Docket No. 125

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 improperly terminated Trackman T.N. Rosbeck. [Organization File 8KB-4267; Carrier File 81-87-60]
- (2) Claimant T.N. Rosbeck shall be reinstated with seniority and all other rights unimpaired and compensated 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 3, 1986, Claimant T.N. Rosbeck was displaced by a senior trackman. On February 10, 1987, Carrier notified Claimant that his name was being removed from the seniority roster because of his alleged failure to comply with Rule 10 of the controlling agreement. The Organization thereafter filed a claim on Claimant's behalf, seeking his restoration to the seniority roster and compensation for time lost.

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 required form to the assistant division manager on a timely basis within the 15 days in order to retain his seniority pursuant to Rule 10. Rule 10 requires strict performance in order to retain seniority, and this Board is without authority to modify the

provisions of that rule. Therefore, the claim must be denied.

Award:

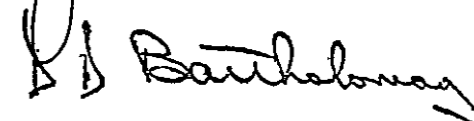
Claim denied.



Neutral Member



Carrier Member



Organization Member

Date: Sept 23, 1988