

Special Board of Adjustment No. 956

PARTIES TO DISPUTE:

Brotherhood of Maintenance of Way Employees

and

New Jersey Transit Rail Operations, Inc.

STATEMENT OF CLAIM:

Appeal on behalf of Trackman G. L. Lynch for restoration to service.

FINDINGS:

Claimant's seniority was terminated by letter of October 15, 1984. In Carrier's view, that action is warranted by the following provision of Rule 27(b) of the applicable agreement:

"Except for sickness or disability, or under circumstances beyond his control, an employee who is absent in excess of fourteen (14) consecutive days without receiving permission from his supervisor will forfeit all seniority under this Agreement...."

The record establishes that claimant was absent without permission continuously from September 24 through October 15, 1984. During that period, he did not contact Carrier. At no time did he request a leave of absence or other permission to be away from his position.

Rule 27(b) is a self-executing rule that calls for forfeiture of all seniority. The fact that claimant's absence may have been

due to his incarceration in prison is not a recognized exception under Rule 27(b) or a valid explanation for absences.

AWARD: Claim denied.

Adopted at Newark, New Jersey, June 23 , 1988.


Harold M. Weston, Chairman


Carrier Member


Employee Member