SPECIAL BOARD OF ADJUSTMENT NO. 605

PARTIES TO DISPUTE ) Brotherhood of Railroad Signalmen and Baltimore and Ohio Railroad Company

QUESTION AT ISSUE: (a) Did Carrier violate and does it continue to violate the February 7, 1965 Mediation Agreement when Mr. C. J. Castor, Assistant Signal Maintainer, was not recalled to compensated service on the St. Louis Division East End Seniority District by March 1, 1965?

(b) Should Mr. Castor now be recalled to service on his home seniority district?

(c) Should Mr. Castor now be allowed pay for all travel time, meal and lodging expenses, and any wage loss incurred for each working day commencing March 1, 1965, that he is obliged to work on another seniority district? Should such allowances be made so long as he continues to work on another seniority district due to Management's failure to recall him to service on his own seniority district by March 1, 1965?

OPINION OF BOARD: On October 1, 1964 Claimant was a "protected" employee under the terms of the February 7, 1965 Agreement. At that time he held a regular assignment as an Assistant Signalman on Carrier's East End St. Louis Division. On October 23, 1964 Claimant was furloughed and could not displace on any position in his seniority district. On March 2, 1965 he accepted employment as a Signal Maintainer, a higher rated position, on the West End St. Louis Division. On July 23, 1965 Claimant was dismissed from Carrier's service because of failure to comply with certain rules.

Under the terms of the February 7 Agreement there is no obligation on the part of the Carrier to restore an employee to compensated service on his home seniority district. Section 1, Article I of the agreement only requires restoration to "active service". If the parties intended that such restoration to active service be on the employee's home seniority district, the agreement would have so stated.

The question of meals, travel and lodging has been answered by this Board in Award No. 54 (Case No. SG-7-E).

AWARD

The answer to the question presented is in the negative.

Nicholas H. Zumas
Neutral Member

Dated: Washington, D. C.
April 23, 1969