

SPECIAL BOARD OF ADJUSTMENT NO. 605

PARTIES ) Chicago, Rock Island and Pacific Railroad Company  
TO THE ) and  
DISPUTE ) Brotherhood of Maintenance of Way Employees

QUESTIONS AT ISSUE: I (a) Should Dearn Williams have been retained in service on and subsequent to February 24, 1965

and

(b) Should Alton H. Prim have been retained in service on and subsequent to February 19, 1965

II Are Dearn Williams and Alton H. Prim entitled to reimbursement for the loss of earnings suffered as a result of their furloughs in February 1965.

OPINION OF BOARD: These are individual claims for compensation, but they involve an interpretation of the February 7, 1965, Agreement and were therefore properly filed in accordance with the rules, and timely filed within 60 days of November 24, 1965.

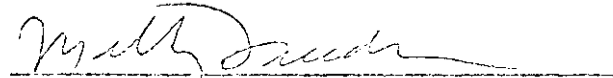
The claims filed by the Employees were progressed on the property with no challenge to the accuracy of the facts set forth. However, in its Submission Carrier alleged a totally different employment history than appeared in the claims. It must be held that the claims as presented on the property are before the Committee.

Although Carrier on the property, as well as in its Submission, said that the Claimants had lost their protected status in accordance with Article II, Section 1, because they failed to exercise seniority to obtain positions, the statements were vague and indefinite, without regard to circumstances, time or place. Thus Carrier's charges have not been established.

Since both men qualified as professional employees, and were on furlough on February 7, 1965, Carrier was entitled pursuant to Article I to return them to active service before March 1, 1965, and thereafter retain them in compensated service. Although one was returned to service on February 10, 1965, and the other on February 17, neither was retained in compensated service as he should have been.

A W A R D

The answer to the Questions is "Yes."

  
Milton Friedman  
Neutral Member

Dated: Washington, D.C.  
June 10, 1969