

**Award No. 1994
Docket No. 1834
2-CB&Q-EW-'55**

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee J. Glenn Donaldson when the award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 95, RAILWAY EMPLOYES'
DEPARTMENT, A. F. of L. (Electrical Workers)**

CHICAGO, BURLINGTON & QUINCY RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYES: 1. That under the current agreement the Carrier improperly declined to bulletin a new position established with headquarters at Guernsey, Wyoming.

2. That accordingly the Carrier be ordered to bulletin the new position.

EMPLOYES' STATEMENT OF FACTS: Prior to December 1, 1952, there was in existence on the property two districts on which division linemen were assigned, one with headquarters at Sterling, Colorado and one with headquarters at Alliance, Nebraska.

The area of the railroad in which Guernsey, Wyoming, is located was part of the district which was serviced by the division lineman with headquarters at Alliance, Nebraska.

Effective December 1, 1952, the carrier changed the division lineman's territory assignments by taking the area of the railroad in which Guernsey, Wyoming is located and placing it in the territory to be served by the division lineman whose headquarters was formerly Sterling, Colorado. At the same time the territory was changed, the carrier also changed the headquarters point from Sterling, Colorado, to Guernsey, Wyoming. Division Lineman G. F. Erb was, prior to December 1, 1952, assigned the territory with headquarters at Sterling, Colorado. On October 28, 1952, Division Lineman Erb was advised by letter of change of location of his headquarters from Sterling, Colorado to Guernsey, Wyoming, effective December 1, 1952, in connection with rearrangement of division linemen's territory assignments, a copy of which is submitted herewith and identified as Exhibit A.

Exhibit A reflects that the division linemen's territory assignments were changed as well as the headquarters being changed from Sterling, Colorado to Guernsey, Wyoming.

The dispute was handled with the carrier officials designated to handle such affairs, who all declined to adjust the matter.

D. W. Haley, has a seniority date of October 9, 1952, and out-ranked all competition for the job in October 1954. Nobody senior to him wants the job. Surely this Board will not compel the carrier to perform such a useless act. Nothing could possibly be gained by anyone if this claim was sustained. The remedy asked for by the organization is a complete blank. The claim is moot in every respect, and there is no reason why the Board should dissipate its time handling such an insipid matter.

The Railway Labor Act in Section 3 First (m) provides that all decisions of the National Railroad Adjustment Board shall be final and binding. Since the award requested by petitioner would have absolutely no results, this dispute cannot be decided on its merits by the Second Division. The claim must be dismissed as a moot question.

For the two reasons expressed above, the carrier is confident this dispute will be dismissed. Therefore, no argument on the merits of the case is submitted herein.

FINDINGS: The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employe within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

The parties to said dispute were given due notice of hearing thereon.

The carrier would bring this case under Rule 33 and thus excuse its failure to bulletin a new job by seeking our agreement to the proposition that the move in question was simply a change of designated headquarters within a division lineman's territory.

We are compelled to find from the record that the change was more than that urged by carrier as there was considerable shifting of the territorial limits. A new job, we find, was created which under Rule 38 (a) required bulletining. However, the position has been twice bulletined since the omission noted and the Division is not inclined to enter a meaningless order such as the organization requests.

Rule 24 (a) does not bar our consideration of this claim on its merits.

AWARD

Claim 1 sustained.

Claim 2 denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 18th day of October, 1955.