

Award No. 2433
Docket No. 2436
2-GM&O-SM-'57

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 29, RAILWAY EMPLOYES'
DEPARTMENT, A. F. of L.-C. I. O. (Sheet Metal Workers)**

**GULF MOBILE AND OHIO RAILROAD COMPANY
(Northern Region)**

DISPUTE: CLAIM OF EMPLOYEES: 1. That the Carrier has improperly denied Sheet Metal Worker Virgil Yount his proper seniority date and thereby deprived him of his employment rights as a Sheet Metal Worker.

2. That, accordingly, the Carrier be ordered to—

a) Restore Sheet Metal Worker Virgil Yount's name on the Sheet Metal Worker's Seniority Roster showing his original date of hire, July 17, 1954.

b) Restore Sheet Metal Worker Virgil Yount to the service of the Carrier.

c) Compensate Sheet Metal Worker Virgil Yount for all time lost.

EMPLOYEES' STATEMENT OF FACTS: Virgil M. Yount, hereinafter referred to as the claimant, made out an application for employment as a pipefitter at St. Louis, Missouri, on July 17, 1954, at the office of the master mechanic, E. A. Johnson, Jr., of the Gulf, Mobile and Ohio Railroad Company, hereinafter referred to as the carrier.

After making out the application and signing same, claimant was given an order to the Missouri Pacific Hospital for examination as to his physical condition, passing the examination.

Claimant began work immediately at the diesel pit and coach yard and after working several days he discovered that he was assigned as a pipefitter helper. The claimant immediately made a protest about the pipefitter helper assignment and the carrier then assigned him to fill temporary pipefitter vacancies.

The claimant continued to fill pipefitter vacancies up to September 24, 1954, on which date he was furloughed. At that time there were a number of up-graded helpers filling pipefitter vacancies. These up-graded helpers hold no seniority as pipefitters. Claimant made an attempt to exercise his

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 this dispute were given due notice of hearing thereon.

Claimant sought employment with the carrier as a Sheet Metal Worker on July 9, 1954. The carrier required him to fill out an employment application and on July 14, 1954, required him to take a physical examination. However, upon checking his references and qualifications as a Sheet Metal Worker under the provisions of Rule 116 of the current agreement, it was found that claimant did not possess the required experience to qualify him as a Sheet Metal Worker, and claimant was so advised.

On July 17, 1954, the claimant elected to accept employment as a Sheet Metal Worker helper and performed service under that classification starting July 17, and his name was placed on the Sheet Metal Worker helpers' seniority roster with a seniority date of July 17, 1954.

On July 18, 1954, claimant was temporarily upgraded to the status of a mechanic without establishing seniority as such under the provisions of agreement of July 22, 1941, and continued to be employed as such until he was furloughed in a reduction in force on September 24, 1954.

AWARD

Claim of employes denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 10th day of May, 1957.