

The Second Division consisted of the regular members and in addition Referee James F. Searce when award was rendered.

Parties to Dispute: { Brotherhood Railway Carmen of the United States  
and Canada  
{ Fort Worth and Denver Railway Company

Dispute: Claim of Employees:

1. That the Fort Worth and Denver Railway Company violated the controlling agreement at Childress, Texas, when they denied Carman G. R. Ralston the work assignment as Car Inspector assigned by bulletin "assignment notice No. ME-692" dated November 28, 1980.
2. That accordingly, the Fort Worth and Denver Railway Company be ordered to compensate Carman Ralston in the amount of eight (8) hours pay at the straight time rate for December 6, 7, 11 and 12, 1980.

Findings:

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

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee 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.

Parties to said dispute waived right of appearance at hearing thereon.

Claimant, who was classified as a Carman's Helper and assigned to Amarillo, Texas, was working as an upgraded Carman at Childress, Texas, when in November of 1980 a vacancy for a Relief Car Inspector occurred at Amarillo. The Inspector position had scheduled rest days of Thursdays and Fridays. No journeyman Carman bid the assignment but the Claimant did and was awarded such bid on November 28, 1980. The Claimant was released from his assigned job on Friday, December 12, 1980.

The claim herein goes to dates of December 6 and 7, 1980 -- which were regular rest days on the work to which he was assigned at Childress, and December 11 and 12, 1980 -- regular rest days for the Inspector position at Amarillo which the Claimant actually worked at Childress. He did not claim all other regularly schedule work days for the Inspector position from the November 28, 1980 award until his release on December 12, 1980. It is noted that the work locations were some 100 miles apart.

It is well-established that a Carrier is entitled to ensure an orderly transition of assignments in the absence of a specific Rule which sets such

time limits; the delay in such assignment here is not unreasonable. It is also noted that the claim is punitive in nature in part, given the fact that the grievant was under pay during two dates being demanded here. There is no merit to the claim.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest: Acting Executive Secretary  
National Railroad Adjustment Board

By Rosemarie Brasch  
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 20th day of April, 1983.