

The Second Division consisted of the regular members and in addition Referee Raymond E. McAlpin when award was rendered.

(Brotherhood Railway Carmen of the United States
(and Canada AFL-CIO
Parties to Dispute: (
(Missouri Pacific Railroad Company

Dispute: Claim of Employees:

1. That the Missouri Pacific Railroad Company violated Note to Rule 12 of the Controlling Agreement when they allowed Carman D. L. Berg to be illegally displaced from his job March 15, 1984.

2. That the Missouri Pacific Railroad Company be ordered to compensate Carman D. L. Berg for each Saturday beginning on March 17, 1984, at the time and one-half rate and continuing until the violation is corrected, and each Monday beginning on March 19, 1984, eight hours at the straight time and continuing on each Monday until violation is corrected.

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 employes 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.

This case results from, and is a continuation of, Award 10998. Originally, when Carman Ibarra was disqualified, he displaced a position at the Carrier's Harlingen, Texas facility. Carman Parker thereafter displaced Carman Ibarra who, in turn, displaced the Claimant on the second shift at the Carrier's Brownsville, Texas facility.

The Organization claims this bump by Carman Ibarra of Claimant is in violation of the Note to Rule 12 which reads: "The exercising of seniority

to displace junior employees, usually termed rolling or bumping, will not be permitted." The Organization states this bump resulted from the original violation by the Carrier in disqualifying Carman Ibarra from his original position.

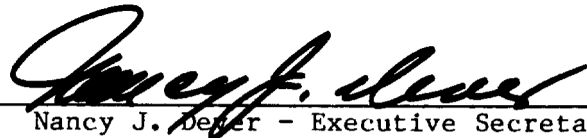
The Carrier argues this is merely a chain reaction resulting from the disqualification of Carman Ibarra. Even if the Claim would be sustained, there is nothing in the record or in the Rules to indicate punitive damages should be awarded. In addition, it is the Carrier's position that Rule 12 was not violated.

Upon complete review of the evidence, the Board notes that in Award 10998 the Carrier's disqualification of Claimant Ibarra was upheld. We must now determine whether or not this particular reaction from that original decision was proper or improper. The Carrier notes that employees are permitted to bid other positions if their jobs are abolished. In this case Mr. Ibarra was disqualified from his position, which resulted in several job changes which are in keeping with the language contained in Rule 12 of the Controlling Agreement. Therefore, the Claim will be denied.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: 

Nancy J. Decker - Executive Secretary

Dated at Chicago, Illinois this 12th day of November 1986.