

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

(Brotherhood Railway Carmen of the United States and Canada  
PARTIES TO DISPUTE: (  
(Chicago and North Western Transportation Company

STATEMENT OF CLAIM:

1. The Chicago and North Western Transportation Company violated the controlling agreement, specifically Rules 14, 15, 18, 19, 57, and 58 on March 1, 1986, when they authorized Mechanic-in-Charge Robin L. Snyder's name to be listed on the Clinton, Iowa Carmen's seniority roster with a Carmen's seniority date of December 15, 1983.

2. That the Chicago and North Western Transportation Company be ordered to delete Mechanic-in-Charge Robin L. Snyder's name and rank from the Clinton seniority roster as a Carman Mechanic, and that he be reestablished as a Carman Helper.

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 employees 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.

The facts are not in dispute. R. L. Snyder worked as an upgraded helper at Clinton, Iowa and accumulated 531 days towards the necessary number needed to become a Journeyman Carman. He was listed without protest on the 1984 and 1985 seniority rosters as a Carman Helper. Carrier listed him on the 1986 Clinton Iowa Carmen's Seniority Roster as a Carman with a seniority date of December 15, 1983.

In this instant dispute, the Organization protests Carrier's listing and seniority date of him as a Carman. Claim of the Organization is that his name did not appear on either the 1984 or 1985 seniority rosters as a Carman and was not protested. Further, he did not accumulate the necessary days worked toward Carmen's seniority as his days worked as Mechanic-in-Charge (MIC) do not qualify.

The Carrier argues that he qualified for Journeyman Carman and was properly credited with the days worked as an MIC. Under the applicable 1921 Agreement, Rule 145 as amended required him to work 854 days. He attained the proper number of days on December 15, 1983 and the 1986 Seniority Roster correctly and properly listed him as Carman. The Carrier points out that an MIC can do any and all mechanics work. In addition, the former General Chairman's letter of February 22, 1973 confirms that the days worked as an MIC would count toward the accumulated number necessary to qualify as a Journeyman Carman.

The Board's review notes that the dates under which he worked as an MIC were those that were properly covered by the pre-1984 Agreement. In the facts and circumstances prior to the 1984 Agreement, the February 22, 1973 letter indicates that "as a mechanic-in-charge, he is still given credit for the days he works towards completing.." the necessary days. Under Rule 145, he had to obtain 854 days and the record so indicates. The Board finds no compelling probative evidence that time worked as a mechanic-in-charge was not to be counted as acceptable experience toward Journeyman's status (Second Division Award 11099 on this same property).

There is no indication in the record as to why he was not listed on the 1984 and 1985 rosters as Carman. No evidence of record indicates that his work as an MIC was anything other than mechanics work. The status of MIC's has been considered previously by this Board. The language of the Agreement states that:

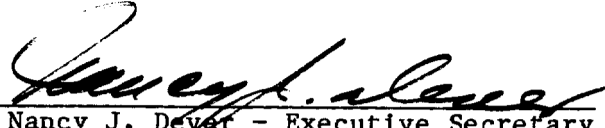
"Any man who has served an apprenticeship or who has had four years' practical experience at carmen's work,... shall constitute a carman."

Such language requires an evidentiary showing that Mr. Snyder lacked experience, as it is not refuted in the record that MIC's may do carmen's work. Under the Agreement, the claim must be denied for lack of evidence that Claimant's listing on the 1986 Seniority roster was in error.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest:   
Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 15th day of June 1988.