

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 12115
Docket No. 11939
91-2-90-2-42

The Second Division consisted of the regular members and in addition Referee John C. Fletcher when award was rendered.

PARTIES TO DISPUTE: (Brotherhood Railway Carmen/ Division of TCU
(
(Southern Railway Company

STATEMENT OF CLAIM:

1. That under the provisions of our current Agreement with the Southern Railway Company that the Company violated Rule 16 of the Agreement which caused them to also be in violation of Rule 15.

2. That the Southern Railway Company be ordered to accpet Carman Robinson's transfer request as presented and place Carman B. D. Robinson immediately in front of and/or above Carman J. M. Huckaby on the seniority roster at Charlotte, North Carolina.

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 Claim contends that Rules 15 and 16 of the Agreement were violated when Claimant, a Carman at Columbia, South Carolina, was not placed in a job opening at Charlotte, North Carolina on June 18, 1988, which was filled by rehire of a former employee. The facts conclusively demonstrate that the Charlotte vacancy was constructively filled on June 18, 1988, when Carrier's Master mechanic committed to rehire a former employee. Claimant did not request a transfer to the position until a week later. In the circumstances present, the transfer request was untimely. The Claim will be denied.

A W A R D

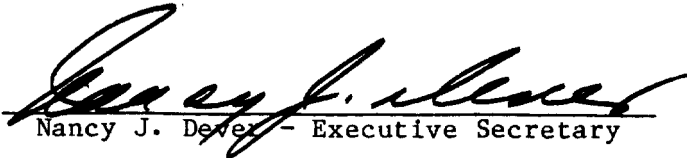
Claim denied.

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NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 14th day of August 1991.