

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

PARTIES TO DISPUTE: (Brotherhood Railway Carmen/Division of TCU
(CSX Transportation, Inc.
(Chesapeake and Ohio Railway Company)

STATEMENT OF CLAIM:

1. That the Chesapeake & Ohio Railroad Company (CSX Transportation, Inc.) (hereinafter "carrier") violated the provisions of Rules 27, 38, 60 1/2 and 153 of the Shop Crafts Agreement between Transportation Communications International Union - Carmen's Division and the Chesapeake & Ohio Railroad Company (CSX Transportation, Inc.) (revised June 1, 1969) and the service rights of Carman James W. McCulley (hereinafter "claimant") when the carrier did not give proper notice to the claimant and did not list junior employees on the furlough notice effective May 31, 1985.

2. That, accordingly, the claimant is entitled to be compensated for eight (8) hours each day, beginning June 3, 1985, and each day of work thereafter until violation is corrected at the applicable Carmen's rate. Further, that the claimant be compensated for all losses sustained while held out of service, including, but not limited to, vacation, personal days, loss of coverage under the Health and Welfare and Life Insurance Agreements and all other benefits accruing to other employees as a condition of employment.

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.

The circumstances involved in this dispute are identical to those in Second Division Award 12182. The only issue to be addressed is whether the Organization has met its burden of proving Carrier erred or was arbitrary in its determination Claimant lacked the requisite qualifications for the position to which he attempted to displace.

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91-2-90-2-237

Our review of the record in this dispute provides no basis for the Board to overrule the Carrier's decision. Accordingly, we find the Agreement was not violated.

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 6th day of November 1991.