

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISIONAward No. 12772
Docket No. 12639
94-2-93-2-1

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

PARTIES TO DISPUTE: (International Brotherhood of Electrical
(Workers
(Southern Pacific Transportation Company
((Eastern Lines)

STATEMENT OF CLAIM:

- "1. That in violation of the controlling agreement, at San Antonio, Texas, the Southern Pacific Transportation Company (Eastern Lines) improperly bulletined vacancy, failed to provide or allow proper recall from furlough and withheld Claimant, furloughed Senior Maintenance of Way Electrician J. S. Crawford, from service on or about November 12, 1991, and thereafter, which is in violation of Rules 15, 24, 25 and 28.
2. That, accordingly, the Southern Pacific Transportation Company (Eastern Lines) be ordered to compensate Electrician J. S. Crawford of San Antonio, Texas, for all differences in rate of pay for all applicable overtime, for all service and seniority rights, vacation rights, payment of hospitalization and medical benefits, group disability insurance, all railroad contributions and benefits, to make Claimant whole."

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 were given due notice of hearing thereon.

Stripped of all its verbiage, and excluding new and conflicting arguments that were made after the matter was appealed to this Board, facts in this record, which the Board may properly consider, demonstrate conclusively that Carrier, on or about November 12, 1991, did not properly recall Claimant (a furloughed employee) for a vacant assignment for which he was qualified, and entitled to work by virtue of his seniority standing. Accordingly, we find that the Agreement was violated and that Claimant is entitled to the difference between what he earned and what he would have earned, had the recall been properly accomplished.

AWARD

Claim sustained in accordance with the Findings.

O R D E R

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) be made. The Carrier is ordered to make the Award effective on or before 30 days following the postmark date the Award is transmitted to the parties.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Dated at Chicago, Illinois, this 17th day of November 1994.