

NATIONAL RAILROAD ADJUSTMENT BOARD  
SECOND DIVISIONAward No. 12978  
Docket No. 12798  
96-2-93-2-144

The Second Division consisted of the regular members and in addition Referee Robert E. Peterson 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), without just cause, arbitrarily removed the name and seniority date from the seniority list, adversely affecting, failed to provide or allow proper recall from furlough and withheld Claimant Senior Maintenance of Way Electrician J. S. Crawford, from service which is in violation of Rule 24 and 28.

2. That accordingly, the Southern Pacific Transportation Company (Eastern Lines) be ordered to return name and seniority date of Electrician J. S. Crawford of San Antonio, Texas to the appropriate seniority list, with all seniority rights unimpaired."

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 waived right of appearance at hearing thereon.

The claim here at issue asks for the restoration of the Claimant's seniority rights.

In Second Division Award 12772, involving the same parties and the identical Claimant, the Statement of Claim was that the Carrier be ordered to make the Claimant whole for, among other things, "all service and seniority rights."

This Board, in disposition of the prior claim held in Second Division Award 12772 that the Carrier had failed to properly recall the Claimant from furlough for a vacant assignment for which he was qualified and entitled to hold "by virtue of his seniority standing."

Nothing of record shows that the Carrier had failed to fully comply with Award 12772, or, in particular, that the Claimant was not returned to his prior and rightful place on the seniority roster. The Board therefore finds no purpose to be served here by revisiting the facts and circumstances which led to the adoption of Award 12772, except to note that there is merit to the instant claim if in fact there remains some hidden dispute.

AWARD

Claim sustained in accordance with the Findings.

ORDER

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 2nd day of February 1996.