

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 13010
Docket No. 12850
96-2-93-2-219

The Second Division consisted of the regular members and in addition Referee Herbert L. Marx, Jr. when award was rendered.

PARTIES TO DISPUTE: (System Council No. 6 - International
(Brotherhood of Firemen & Oilers
(
(CSX Transportation, Inc. (former
(Seaboard Coast Line Railroad Company)

STATEMENT OF CLAIM:

"Claim that L. J. Powers and C. C. Phillips had the right to decline employment at Augusta, Georgia without loss of protection under Article I of the September 25, 1964 Agreement. File 17(93-828)"

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.

Except as to different Claimants and the fact that Claimants did not accept the transfers offered by the Carrier, this dispute is based on the same arguments as in Second Division Award 13009, and the Board reaches the same conclusion. A monetary remedy is appropriate. Such was not the case in Award 13009.

AWARD

Claim sustained.

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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 10th day of July 1996.