

**NATIONAL RAILROAD ADJUSTMENT BOARD  
SECOND DIVISION**

Award No. 13452  
Docket No. 13363  
99-2-98-2-30

The Second Division consisted of the regular members and in addition Referee Robert L. Hicks when award was rendered.

(Brotherhood Railway Carmen, Division of Transportation  
( Communications International Union  
**PARTIES TO DISPUTE:** (  
(The Springfield Terminal Railway Company

**STATEMENT OF CLAIM:**

“Claim of the Committee of the Union that:

1. That the Springfield Terminal Railway Company violated the terms of our current agreement, in particular Rule 12 when they refused to allow Carman Raymond J. Harding his right to exercise his seniority in his daily assignment of work as specifically provided for in our collective agreement. Instead, the carrier ordered him to perform road work at Rumford, ME.
2. That, accordingly, the Springfield Terminal Railway Company be ordered to compensate Raymond J. Harding in the amount of 8 hours pay at the straight time rate.”

**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.

After being duly notified by the Adjustment Board and the Organization that the above-listed dispute had been advanced to and accepted by the Board, the Carrier failed to file an Ex Parte Submission. This leaves the assertions, arguments and positions of the Organization unchallenged and uncontroverted in this case. Therefore, the claim must be sustained as presented. See Third Division Awards 32511, 32054, 24352 and Fourth Division Award 4761.

**AWARD**

Claim sustained.

**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 25th day of August 1999.**