

The Second Division consisted of the regular members and in addition Referee Nicholas H. Zumas when award was rendered.

Parties to Dispute: (System Federation No. 1, Railway Employees'
(Department, A. F. of L. - C. I. O.
((Carmen)
(Indiana Harbor Belt Railroad

Dispute: Claim of Employees:

1. That the Indiana Harbor Belt Railroad violated the current working agreement, when they failed to award position #154 or position # 111 to Carman Philip Bicanic, and awarded the two positions to junior Carmen T. Krizman and C. Volk.
2. That accordingly, Carman Philip Bicanic should be awarded the position of his choice, and that he be paid for all overtime at the time and one half rate that he would have received if he was awarded the position by notice of October 20, 1971.

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.

It is clear from the record in this dispute that, even though Claimant was a senior employee, he was not qualified to operate a steam crane and therefore not a bona fide applicant for positions # 111 and # 154.

Rule 18 was not violated, and the claim is without basis.

A W A R D

Claim denied.

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Award No. 6897
Docket No. 6679
2-IHB-CM-'75

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By Rosemarie Brasch
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 8th day of August, 1975.

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