

The Second Division consisted of the regular members and in addition Referee James F. Searce when award was rendered.

Parties to Dispute: (System Federation No. 99, Railway Employees'
(Department, A. F. of L. - C. I. O.
((Firemen & Oilers)
(
(Illinois Central Gulf Railroad Company

Dispute: Claim of Employees:

1. That the following Laborers at McComb, Mississippi: P. J. Larry, W. G. Robinson and E. Young, were not promoted in accordance with Rule 23 of the controlling agreement.
2. That accordingly, the Illinois Central Gulf Railroad be ordered to dove-tail Laborers P. J. Larry, W. G. Robinson and E. Young onto the Mechanics' seniority roster from July 15, 1973 and that they also be ordered to pay the difference between the Laborers' and Mechanics' wages to these Laborers during this period.

Findings:

The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employe 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 Organization is endeavoring to require that Carrier be required to afford the Claimants a position on the Mechanics roster and thereby effect a change in class and craft for each of them. Not only is the Carrier not authorized to do so under the Schedule of Rules between it and the Organization, it would be violative of its Agreement with the Organization, and it would be violative of its Agreement with the Organization representing the affected class and craft of employees to whom the Claimants would be assigned. While we can empathize with the Claimants' desires for advancement, we cannot affirm a request, which, on its face, is otherwise proscribed by law. Nothing in Rule 23 of the Agreement between the Organization and Carrier can be construed to cause us to rule otherwise.

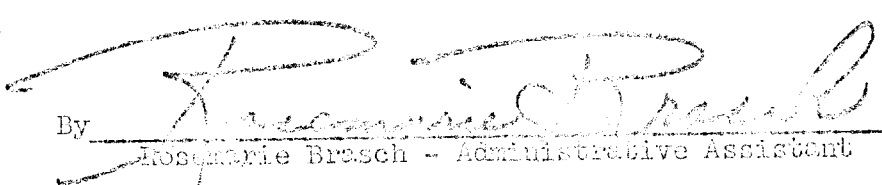
A W A R D

Claims are denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By


Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 10th day of January, 1979.