

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

Parties to Dispute: (Brotherhood Railway Carmen of the United States
(and Canada
(
(Chicago and North Western Transportation Company

Dispute: Claim of Employees:

1. Carrier violated Rules 15, 16, 21, 28, and 29 of the controlling agreement when it failed to bulletin Carman Write-up jobs at Mason City, Iowa Repair and Up-Grading Tracks.
2. That the Chicago and North Western Transportation Company be ordered to bulletin Carman Write-up jobs at Mason City, Iowa Repair and Up-Grading Tracks in accordance with the provisions of the controlling agreement.

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 claims that Carrier violated Rules 15, 16, 21, 28 and 29 of the Agreement when it failed to bulletin Carman write-up jobs at Mason City, Iowa. It seeks a determination that Carrier be ordered to bulletin the jobs.

The record evidence indicates that the positions in question had been filled for eighteen (18) months without objection. To seek to have the positions bulletined at this point serves no purpose as it is clear that the jobs had been awarded by bulletin to Carmen. Carmen now fill the jobs. No new vacancy exists. No job has been created. There is also nothing in the record which proves that work has been added.

Moreover, a review of the Rules cited by the Organization does not support the instant claim. Nothing presented establishes a violation of the Agreement. See Second Division Award No. 8645.

For all the foregoing, we will deny the claim in its entirety.

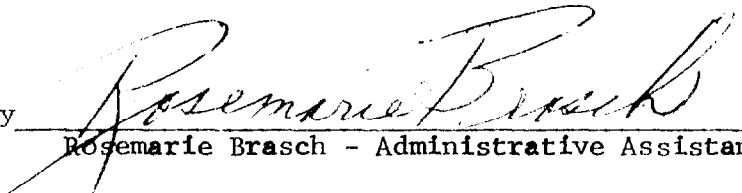
A W A R D

Claim 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 March, 1982.