

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD  
SECOND DIVISION

Award No. 10366  
Docket No. 9932-I  
2-L&N-I-'85

The Second Division consisted of the regular members and in addition Referee Eckehard Muessig when award was rendered.

(K. L. Keith, E. R. Shepherd, G. K. Elble, D. C. Doyle,  
( J. R. Kaelin and D. E. Gibson

Parties to Dispute: (

( Louisville and Nashville Railroad Company

Dispute: Claim of Employees:

"...a clear and obvious case of job discrimination by the L&N Railroad at the South Louisville Shops in Louisville, Kentucky.

The six employees claiming job discrimination are K. L. Keith, E. R. Shepherd, D. C. Doyle, G. K. Elble, D. E. Gibson and J. R. Kaelin." (Taken from Carrier's submission)

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 employees 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.

This claim arose after the Carrier had awarded an advertised vacancy on February 25, 1981 to an employee junior in seniority to the Claimants. The record shows that the Claimants failed to progress their claim as required by the pertinent provisions found in Section 3 of the Railway Labor Act and Circular No. 1 of this Board. Accordingly the claim must be dismissed.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

ATTEST:   
Nancy J. Lever - Executive Secretary

Dated at Chicago, Illinois, this 10th day of April 1985.