

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISIONAward No. 12731
Docket No. 12526
94-2-92-2-52

The Second Division consisted of the regular members and in addition Referee John C. Fletcher when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Railway Carmen Division -
(Transportation Communications International
(Union
(Chicago and North Western Transportation
(Company

STATEMENT OF CLAIM:

- "1. Carman David A. Morgan was deprived of work and wages to which he was entitled when the Chicago and North Western Transportation Company violated Rules 16 and 21 of the Controlling Agreement on August 15, 1990, when he was improperly displaced from his position.
2. Accordingly, Carman David A. Morgan be compensated eight (8) hours pay at the straight time rate and his record be changed to show he was not absent on that date."

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.

In anticipation of a Supervisor returning to the ranks of the Carmen Craft, Claimant was told on August 8, 1990, that a series of moves would occur and that he would be displaced from his position beginning Monday, August 15, 1990. The return of the Supervisor on August 15th would have required a "paper bump" because he was going to be continued on a temporary assignment as a Supervisor after the bump occurred. Carrier attempted to secure concurrence from the Carmen's Organization, on the "paper bump" but could not do so. The General Chairman insisted that a displacement could not occur until the Supervisor physically returned to the Carmen's Craft. The Supervisor could not return immediately, being required under the terms of the ARASA Agreement to protect a Supervisor vacancy or forfeit his seniority in that Craft. On August 14, 1990, the moves that were to be made if the Supervisor was allowed a "paper bump" were canceled. Claimant, who was off on a scheduled rest day, however, was not notified of the cancellation. He did not work on August 15th.

Claimant had been told that he was displaced from his job. When that displacement did not occur he was not told that it had been canceled. He is entitled to be compensated for the time lost. The Claim will be sustained and August 15, 1990, shall not be counted as a day of missed work.

AWARD

Claim sustained.

O R D E R

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 18th day of August 1994.