

Form 1 NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 12814
Docket No. 12699
95-2-93-2-101

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

(International Association of Machinists and
(Aerospace Workers
PARTIES TO DISPUTE: (
(The Atchison, Topeka and Santa Fe Railway
(Company

STATEMENT OF CLAIM:

- "1. That under the Agreement of September 25, 1964, the Atchison, Topeka, and Santa Fe Railway Company (hereinafter referred to as Carrier) laid off in force reduction Machinists B. J. Rogers, J. D. Johnson and T. W. Clendennon on April 22, 1988, a mere seventy-four (74) days prior to notice being served under Article I, Section 4, of September 25, 1964 Mediation Agreement to close the Amarillo, Texas Rail Welding Facility.
2. That the Carrier violated Article I, Sections 1, 2, 3, 4, 5, 6, 7, 8, and 9 of the September 25, 1964 Mediation Agreement when they laid off Claimants just prior to notice being served that the Rail Welding Plant would be closed and abandoned and work formerly performed thereat would be contracted to Colorado Foundry and Iron at Pueblo, Colorado."

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 therein.

Parties to said dispute waived right of appearance at hearing thereon.

The dispute was still pending with SBA No. 570 when on June 1, 1993, the parties at the National Level agreed that disputes of this type which had not been assigned to and argued before a Referee at SBA No. 570 could "be withdrawn by either party at any time prior to August 1, 1993." The Agreement allowed that "a dispute withdrawn pursuant to this paragraph may be referred to any boards available under Section 3 of the RLA" (underscore ours for emphasis)

The Claimants were Welding Plant Maintainers at the Carrier's centralized welding plant ("CWP") in Amarillo, Texas. They basically maintained and repaired machinery used to weld strips of rail. This latter task was performed by the Brotherhood of Maintenance of Way Employees.

The significant event that caused this claim to arise occurred on April 18, 1988 when the Claimants were placed in a furlough status effective April 22, 1988. On July 5, 1988, the Carrier issued a Bulletin that the CWP would be closed "on or about October 3, 1988."

The Organization, in its simplest terms, contends that the Claimants were furloughed in anticipation of the October 3, 1988 closing. It asserts that the July 5 notice is "proof positive" that the Carrier was aware, prior to April 22, 1988, that its facility would be totally closed.

We are unable to find any evidence in the record to establish a nexus between the abolishment of the Claimants' positions and the discontinuance of operations at the CWP. The evidence shows that it was not unusual to have force reductions at the CWP. For example, at one point in 1982, all of the welding plant maintenance positions were abolished for approximately 2 1/2 months.

AWARD

Claim denied.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

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NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Dated at Chicago, Illinois, this 26th day of January 1995.