

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

**Award No. 13993
Docket No. 13877
09-2-NRAB-00002-080027**

The Second Division consisted of the regular members and in addition Referee William R. Miller when award was rendered.

PARTIES TO DISPUTE: (
(Brotherhood Railway Carmen Division of TCIU
(Springfield Terminal Railway Company

STATEMENT OF CLAIM:

- “1. That the Springfield Terminal Railway Company violated the terms of our current Agreement, in particular Rule 6.1, when they failed to give Carman Charles Scribner the required time when they abolished his position at Waterville, ME.**

- 2. Accordingly, the Springfield Terminal Railway Company be required to compensate Carman Charles Scribner in the amount of eight (8) hours straight time for Friday, March 30, 2007, six (6) hours pay at the rate of time and one-half for March 31, 2007, eight (8) hours at the rate of double time for April 1, 2007, eight (8) hours at the rate of time and one-half for April 2, 2007, and eight (8) hours at the rate of time and one-half for April 3, 2007. This is the amount he would have earned had the Carrier not violated the 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 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 were given due notice of hearing thereon.

The facts of the case are that the Carrier issued an abolishment notice at 1:00 P.M., on Wednesday, March 28, 2007 indicating that the Claimant's Position No. C-60 at Waterville, Maine, would be abolished at the end of the day on Sunday, April 1, 2007.

The pertinent Rule in dispute is Rule 6.1 which states:

"The Carrier has the right to abolish any position provided the employees affected are notified at least 5 working days prior to the effective date of the abolishment." (Emphasis added)

Although a different Claimant and position are involved, this case is identical to the claim decided in Second Division Award 13991. The arguments and positions taken by both parties in the aforementioned Award are the same and, will not be repeated for the sake of brevity.

Therein the Board thoroughly reviewed the underlying facts and issues involved in this dispute which address the question of what constitutes a proper five day abolishment notice. For the same reasons expressed in that Award, the Board finds and holds that the claim must be denied.

AWARD

Claim denied.

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ORDER

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

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division**

Dated at Chicago, Illinois, this 11th day of February 2009.