

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

Award No. 13998
Docket No. 13881
09-2-NRAB-00002-080031

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 26.1, when they failed to allow Carman Stephen Roderick to displace a junior employee on the Springfield Terminal Railway Carman System Seniority Roster.**
- 2. Accordingly, the Springfield Terminal Railway Company be required to compensate Carman Stephen Roderick in the amount of eight (8) hours straight time for each day that the junior employee holds the position. In addition, Carman Roderick be compensated for each day towards his 732 days that he would receive had he stayed working and all Health and Welfare Benefits he could have received as a result of this failure.”**

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 to the Claimant that his Position No. C-33 at Waterville, Maine, would be abolished on April 1, 2007 and he was not allowed to displace on Position Nos. 49 or 54 because he did not possess a CDL Class A License.

The Board thoroughly reviewed the record and determined that this case is identical to Second Division Awards 13992 and 13995 with the exception of the Claimant. The arguments and positions taken by both parties in the aforementioned Awards are the same and will not be repeated for the sake of brevity.

For the same reasons set forth in the aforementioned Awards the Board finds and holds that the instant claim must be denied.

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.

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

Dated at Chicago, Illinois, this 5th day of March 2009.