

Award No. 7490

Docket No. MS-8524

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

**(J. H. HAMMONTREE)
(TELEGRAPHER-LEVERMAN)**

**THE CINCINNATI, NEW ORLEANS & TEXAS PACIFIC
RAILWAY CO.**

STATEMENT OF CLAIM: 1. That the Cincinnati, New Orleans and Texas Pacific Railway Company and The Order of Railroad Telegraphers violated their Agreement dated September 1, 1949, by not advertising and bulletining the positions of Telegrapher-Leverman at New Citico Yard, Chattanooga, Tennessee, between March 2, 1955 and March 22, 1955 as these were new positions in a new location.

2. That my privilege to exercise my seniority to bid on these positions was denied by both parties and that a younger employe (in seniority) has been filling one of these positions and is not qualified to telegraph, which is one of the requirements for these positions.

3. That Rule 27, Section (d) in the above Agreement is unfair to all employes and should be stricken from the Agreement. Section (a) should rule all divisions of the Southern Railway System or any of its Subsidiaries, since most positions as New Citico handles a big percentage of Southern Railway System business.

4. That the O.R.T. compensate me for time lost due to the above violations and that all positions of Telegrapher-Leverman at New Citico Yard be advertised and bulletined.

OPINION OF BOARD: Thorough consideration of the evidence of record reveals that there is no dispute between the parties to the controlling Agreement concerning the subject matter of this docket.

FINDINGS: That the parties waived oral hearing hereon; and

That for the reason stated in the Opinion this complaint will be dismissed.

AWARD

Claim dismissed.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION**

**ATTEST: A. Ivan Tummon
Executive Secretary**

Dated at Chicago, Illinois, this 5th day of December, 1956.