

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20470
Docket Number **MW-20250**

Joseph Lazar, Referee

PARTIES TO DISPUTE: (**Brotherhood** of Maintenance of Way **Employees**
(**St. Louis-San Francisco Railway Company**
(**AT&N** District

STATEMENT OF CLAIM: Claim of **the** System Committee of the Brotherhood that:

(1) The Carrier violated the Agreement when it failed and **refused** to pay Track Laborer Make Watkins mileage allowance for **driving** his personal automobile between York and **Aliceville, Alabama** from March **13 through** March 24, **1972 during** which time he was improperly displaced from his **regular** assignment **as** track laborer on Section **652** at York, Alabama (System File F-10437 **Make Watkins/D-6861 ATN**).

(2) Track **Laborer** Make Watkins be allowed \$100.26 (**1114** miles **x 9** cents per mile) because of the violation referred to in Part (1) hereof.

OPINION OF BOARD: Under the circumstances of this case, involving as they do, the application of the force reduction rule of the agreement (**Article 2, Rule 8:** "When force is reduced the senior **employees** in the sub-department capable of doing the work shall be **re-tained.**") it was not permissible to retain track laborer J. L. Sturdivant (seniority date as track laborer of September 25, **1948**), an **employee** junior to **Claimant** track laborer Make **Watkins** (seniority date of April **11, 1947**), **continuing** the junior in service when on March **12, 1972** forces were reduced on Section Gang **652** at York, Alabama. It is clear from the record that **track** laborer J. L. Sturdivant did not **acquire** seniority as **truck** driver-laborer pursuant to Appendix Item No. 2, **paragraph 2**, until he was assigned **as** such on April **19, 1972**.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record **and all** the evidence, finds and holds:

That the parties waived oral hearing;

That the Carrier and the **Employees** involved in this dispute are respectively Carrier and **Employees** within the meaning of the **Railway** Labor Act, as approved June **21, 1934**;

That this Division of the **Adjustment Board** has jurisdiction **over** the dispute **involved** herein; and

That the Agreement was violated.

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Claim sustained.

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By Order of **Third** Division

ATTEST: *A.W. Paulson*
Executive Secretary

Dated at Chicago, Illinois, this 25th day of October 1974.