

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21108  
Docket Number CL-21202

James C. Mc Breerty, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and Steamship Clerks,  
( Freight Handlers, Express and Station Employees  
( Burlington Northern Inc.

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood CL-7818, that:

1. The Carrier **violated, and** continues & violate the **rules** of the Clerks' Agreement when **it** denied Collette Luger the Class "**B**" Accountant position, Customer Accounting Center Office, General Office, St. Paul, Minnesota.

2. The **Carrier shall** now be **required to** place Collette Luger on the Class "**B**" Accountant position, and reimburse her for any loss of wages resulting from her being denied the right to exercise seniority on the Class "**B**" Accountant position.

OPINION OF BOARD: Claimant **commenced** employment with Carrier on September 11, 1964. Thereafter, she worked in the Freight Accounting **Department** until September, 1970, at which **time** she became a clerk in the Valuation Engineering Department.

Claimant continued working in this department until February, 1974, at which **time** Carrier effectuated an operational change which affected a **number** of **employees** in the Burlington Northern General Office Building. Those **employees** who were affected were required to exercise displacement rights in accordance **with** Rule 18 of the Clerks' Working **Rules** Agreement.

Claimant attempted to exercise seniority rights by displacing a junior **employee** on a Class "**B**" **Accountant position** in the Customer Accounting Center, St. Paul General Office Building.

Claimant's written **request** for the Class "**B**" **Accountant** position was rejected by Carrier; the determining factor being her failure to successfully pass a written test.

On February 25, 1974, Claimant wrote to Carrier requesting a hearing under the provisions of Clerks' **Agreement Rule 58**, entitled, "Grievances." A hearing was then held on March 1, 1974. As a result of this hearing, Carrier issued a decision **on** March 14, 1974, sustaining the original decision to reject Claimant's request for the Class "**B**" Accountant position.

Claimant and Carrier have held conferences, but have been unable to reach a solution resolving the dispute. **Hence**, this claim has been referred to the Board.

From our review of the entire record, we conclude that the same basic contentions set **forth herein** were presented to us in Award Number 21107, and that the same considerations which prompted our Award in that dispute control the outcome of this case. Accordingly, for the reasons **set forth in our** Award No. 21107, we will deny this claim.

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** not violated.

A W A R D

Claim **denied**.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST: *A. W. Paulsen*  
Executive Secretary

Dated at Chicago, Illinois, this 29th day of June 1976.