

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21354  
Docket Number CL-21204

James C. **McBrearty**, Referee

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

**STATEMENT OF CLAIM:** Claim of the System Committee of the Brotherhood,  
GL-7820, that:

1. The Carrier violated, and continues to violate, the rules of the Clerks' Agreement when it denied Doris M. Sherman the Class "A" Accountant position, Customer Accounting Center Office, General Office, St. Paul, Minnesota.

2. The Carrier shall now be required to place Doris M. Sherman on the Class "A" Accountant position and reimburse her for any loss of wages as a result of being denied the Class "A" Accountant position.

**OPINION OF BOARD:** Claimant commenced employment with the **Northern Pacific** Railway Company in the General Office **Building**, Data Production Department, St. Paul, Minnesota, on August 12, 1959.

Claimant **established a** seniority date of August 12, 1959, in accordance with the Working Rules Agreement between the Rorthern Pacific Railway Company and the Rrotherhood **of Railway** Clerks.

Prior to the merger of the component lines comprising the **Burlington** northern there were sixteen, or so, classified departments in the Northern Pacific Office **Building**. **Each** of these classified departments maintained a seniority list of employes in each of these respective departments,

Claimant continued on this separate seniority roster, covering the classified department in which she was employed, until March 3, 1970. On that date the merger of the component lines comprising the **Burlington** Northern occurred. **The** former Rorthern Pacific was one of the component lines which make up the Burlington Rorthern.

On March 3, 1970, Claimant, along with **all** employes in the various classified departments of the Rorthern Pacific Railway and the Great Rorthern Railway had their names dovetailed in seniority order on a consolidated roster in accordance with the provisions of the **Burlington** Rorthern Clerks' Merger Agreement, with an effective date of March 3, 1970. This consolidated roster is identified as **St. Paul** General Office District Roster **No. 4**,

as shown in Article II, Section **1(1)** (iv) of the above referred to Merger Agreement and Rule **4** of the Clerks' Working Rules Agreement with an effective date of March 3, 1970.

Immediately preceding the initiation of this claim, Claimant occupied a clerical position in the **ENAFI (Burlington Northern Air Freight)** section. When Claimant's position in that section was abolished, she attempted to exercise seniority **rights** by displacing a junior employe on a Class "A" Accountant position, **Customer** Accounting Center, St. Paul **General Office Building**.

Claimant's written request for the Class "A" Accountant position was rejected by Carrier because Claimant failed to successfully pass a written examination, achieving a score of only 63 points out of **100** points.

On February 28, 1974, Claimant wrote to Carrier requesting a hearing under the provisions of Clerks' Agreement, Rule **58**, entitled, "**Grievances**". A hearing was held on March 6 and March **11**, 1974. As a result of the hearing, Carrier issued a decision on **March 25, 1974**, sustaining the original decision to reject Claimant's request for a Class "A" Accountant position.

In urging that the claim be sustained, Claimant has cited Rules 7, 56, 57 and **58** of the Clerks' Agreement. These rules are reproduced in their entirety in a previous case between these two parties, namely, **Award No. 21329**, and, therefore, **will** not again be reproduced here.

The primary issue in this case is the question of whether Carrier violated the Clerks' Agreement when it denied Claimant the **position of** Class "A" Accountant, Customer Accounting Center, General Office Building, St. Paul, **Minnesota**.

Prerequisite to any examination of the primary issue of the case at bar, a determination **must** be made as to whether or not Claimant failed to properly follow the line of appeal procedures in the progression of this claim.

From our review of the entire record, we must conclude that the same basic contentions set forth herein were presented to us **in** Award **No. 21329**, and that the same considerations which **prompted our** Award in that dispute control the outcome of this case. Accordingly, for the reasons set forth at length in our Award No. **21329**, we will deny the instant 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. Pauls*  
Executive Secretary

Dated at Chicago, Illinois, this 16th day of December 1976.