

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22161
Docket Number MS-22222

Abraham Weiss, Referee

(Geraldine C. Stinson

PARTIES TO DISPUTE:

(The Chesapeake and Ohio Railway Company

STATEMENT OF CLAIM: "Claim reinstatement to employment of the Chesapeake and Ohio Railway Company by having Termination Agreement which was negotiated during rundown for Memorandum Agreement dated July 12, 1976, voided because of failure of the Carrier to present all available options."

OPINION OF BOARD: The record in this case shows that on or about June 10, 1976, notice was posted at Huntington, West Virginia, advising employees in that area that effective on July 12, 1976, Carrier would coordinate and reorganize certain functions and facilities on the Southern Region, which included Huntington, West Virginia.

On July 8, 1976, representatives of the Carrier and the Organization visited Huntington, West Virginia, where they met with the several individuals who were to be affected by the coordination to explain the options which were available to each and to determine their elections under the application of the July 12, 1976 Memorandum Agreement. Claimant was interviewed on July 8, 1976 and was advised that she could either: (1) exercise her seniority and acquire rate protection under the provisions of the Memorandum Agreement effective July 12, 1976; or (2) elect a separation allowance and relinquish her rights with the Carrier. Claimant signed an election form accepting separation allowance.

In the submission to this Board, petitioner alleges that information was withheld from her on July 8, 1976, which information would have affected her decision. She further alleges that she was given only a "matter of minutes" to make her decision.

The Board has studied the entire record and fails to find any probative evidence to support petitioner's allegations. All information relative to the coordination was made available either by bulletin notice or at the July 8, 1976 interview. There is nothing

in the record to suggest that claimant was denied the right to raise any questions which she might have had relative to the coordination. She was afforded the right to question both Carrier and Organization representatives. In short, there is simply nothing in this record to indicate that any of the provisions of the Memorandum Agreement effective July 12, 1976 was violated or that claimant was in any way pressured into opting for separation allowance.

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

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Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A.W. Paulus
Executive Secretary

Dated at Chicago, Illinois, this 31st day of July 1978.