

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22215
Docket Number CL-22193

Don Hamilton, Referee

(Brotherhood of Railway, Airline and
(Steamship Clerks, Reight Handlers
(Express and Station **Employees**

PARTIES TO DISPUTE:

(Southeastern **Demurrage** and Storage **Bureau**

STATEMENT OF CLAIM: Claim of the **System Committee** of the Brotherhood
(GL-8406) that :

(a) The **Bureau** has violated the Rules **Agreement**, particularly Rules **5, 6, 9, and 12** by arbitrarily and capriciously awarding a position to the junior qualified **employee** bidding on the vacancy.

(b) **Claimant** J. A. **Mason** should be paid at her respective regular basic rate of pay at the straight **time** rate, in addition to what she has already been **compensated**, for each of her regularly assigned days **commencing** February 2, 1976 and continuing until this dispute is settled.

OPINION OF BOARD: This is a companion case to Award **22214**.

This **claim** seeks additional **compensation** for Claimant Mason because a position described in **Bulletin** No. 2435 was awarded to a junior **employee**, J. R. Fleming. **Claimant** Mason has **been working** the position described in the **Bulletin**, and **Fleming** worked the Mason vacancy.

It is clear from Rule **6** that the Carrier should have issued a **bulletin** awarding the position to Mason. It is **also clear that as a result** of the violation, Mason lost no wages.

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.

Award Number 22215
Docket Number CL-22193

Page 2

A W A R D

Part (a) sustained; Part (b) denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: A. W. Pauls
Executive Secretary

Dated at Chicago, Illinois, this 15th day of November 1978.

