

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22983
Docket Number SG-22956

Robert A. Franden, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(Illinois Central Gulf Railroad

STATEMENT OF CLAIM: "Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Illinois Central Gulf Railroad:

On behalf of Signalman J. W. Pickle, employee number 677192, hire date 9-22-69, account his position as Signal Maintainer, Sparta, Illinois, being abolished April 7, 1978 (claim presented to Manager of Labor Relations under date of June 5, 1978)." (Carrier file: 135-377-196 Spl)

OPINION OF BOARD: This is a claim for benefits under the National Mediation Agreement of November 16, 1971 (Article VIII) or the IC-GMO Merger Protection Agreement of May 18, 1972 (Appendix G) which benefits accrue when an employee is required to change his point of employment in excess of thirty miles.

Before either agreement provision can be invoked the claimant must show that he was "required" to move. Such was not the case in the instant matter. The claimant had the right to displace employees junior to him on gangs that had headquarters within claimant's prior residence and work location. Absent a finding that claimant was required to move the other issues raised in this matter are moot.

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

Award **Number** 22983
Docket Number SG-22956

Page 2

That the Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

Ch. W. Pauler
Executive Secretary

Dated at Chicago, **Illinois**, this 29th day of September 1980.