

NATIONAL RAILROAD **ADJUSTMENT** BOARD

THIRD DIVISION

Award Number **23147**  
Docket Number MS-22983

Robert A. **Franden**, Referee

PARTIES TO DISPUTE: (Barbara C. Robinson  
(**Soo** Line Railroad Company

STATEMENT OF CLAIM: Claim of Barbara C. Robinson **that:**

(1) Carrier violated Rules 3, 13, **15**, 16 and 17(a) of the **SOO-BRAC** Clerks' Agreement by assigning a Steno-Clerk position in Seniority District No. 22 to **a** new employee, even though applications were received from Claimant and two other regular employees.

(2) Carrier shall now be required to assign Claimant a seniority dating of May 21, 1978, one day prior to the seniority dating improperly assigned to the new employee.

(3) Carrier shall be further required to compensate Claimant for eight (8) hours compensation, at the pro rats rate of the position, from May 22, 1978, through February 21, 1979, the date Claimant was assigned another **Steno-**Clerk position in Seniority District No. 22. If Claimant is displaced from this position in the future by an **employee with** a seniority dating after May 21, 1978, similar compensation is claimed from the date of that displacement until the **violation** ceases.

OPINION OF BOARD: Claimant, holding seniority in District Nos. 3 and 16, bid on a vacant position in Seniority District No. 22. Claimant was not assigned to the vacancy; the position was filled by an employee holding seniority in District No. 22. Claimant has postulated a **number** of theories which she feels entitles her to assignment to the position sought, establishment of a seniority date **in** Seniority District No. 22 and payment of penalty compensation. We find these to be without merit. **Claimant's** application for the vacancy in District No. 22 clearly could not be considered so long as there **was** a valid application from an employee holding seniority within District No. 22. Secondly, if there were no valid applications from **employees** holding seniority in District No. 22, Claimant's application would have to be considered on a seniority basis from among applicants from other districts. (See Award 22869, Referee Eischen.) In addition to Claimant's application, additional applications were received, one at least, from an employee with more seniority than Claimant.

We will deny the claim.

FINDINGS: This 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. Paulra*  
Executive Secretary

Dated at **Chicago, Illinois**, this **30th** day of **January 1981**.

