

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24885
Docket Number MS-24969

Marty E. Zusman, Referee

PARTIES TO DISPUTE: (Eugene R. Houghton
(
(Consolidated Rail Corp.
((Former Penn Central Transportation Company

STATEMENT OF CLAIM:

(1) The changing of Eugene R. Houghton's ICC Number from 22 to 28 was contrary to the intent of the law's intended to protect employees rights placing him in a worse position with respect to compensation and working conditions, rights and privileges than other employees with the same ICC classification.

(2) Bridge Inspector Houghton shall be compensated for all moneys lost, due to these inequities.

OPINION OF BOARD: Claim before the Board centers on the issue of whether Claimant Eugene R. Houghton was denied appropriate compensation when on February 1, 1982 a new collective bargaining agreement became effective.

A careful review of the instant case clearly documents that the Carrier was in accord with the provisions of the controlling letter of agreement which specifically mandated appropriate changes in rates of pay as in the situation presently at bar. The Board finds nothing in the record to suggest current agreement contravention by the Carrier. The fact that the Claimant does not agree with the negotiated agreement does not give this Board the right to circumvent or question its intent and validity. This ruling by the Board is consistent with past awards of the National Railroad Adjustment Board (Third Division Awards 24097, 24382).

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 Employee involved in this dispute are respectively Carrier and Employee 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

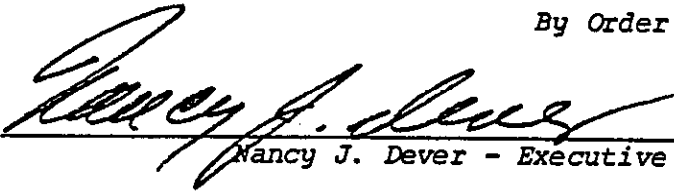
Claim denied.

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By Order of Third Division

Attest:



Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this

