

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25362
Docket Number CL-25418

Eckehard Muessig, Referee

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

PARTIES TO DISPUTE: (

(Chicago Union Station Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-9819) that:

1. Carrier violated the effective Clerks' Agreement when it failed to award Position #205, Matron, to Ms. **Laverne** Reguli, the senior applicant;

2. Carrier shall now be required to compensate Ms. Reguli eight (8) hours' pay at the straight time **rate** of this position in addition to any other earnings. commencing on February 8, **1983, and** continuing for each and every day thereafter, Monday through Friday, that she is denied this position.

OPINION OF BOARD: In this dispute, the Organization contends that a bulletined position **was** improperly awarded to another **employee** rather than the Claimant. The Carrier contends that the Claimant's application for the position was submitted after the closing time for bids and. accordingly, it **was** not properly before it for consideration.

The Organization, for its part, asserts that the Claimant did submit a timely bid. To arrive at this conclusion, it relies upon and cites fellow **employees'** statements and other matters of record, which it considers relevant to its basic contention.

The Board has thoroughly **reviewed** the many conflicting issues surrounding the events leading to the awarding of the position under dispute. While the Board is not unaware of the Claimant's contentions concerning what she was told with respect to the submission of her bid for the position, we find that these **run** counter to the weight of the record. The evidence shows her bid was signed by her with a date of February 4, 1983, and a notation "**6 p.m.**". The period for making application for the position expired at **12:00** noon, February 4. Moreover, the statements of what occurred made by Carrier officials, with respect to the circumstances surrounding the Claimant's failure to properly bid for the position, **were** not substantively refuted by her.

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.

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Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Bever - Executive Secretary

Dated at Chicago, Illinois, this 29th day of **March 1985**.