

NATIONAL RAILROAD **ADJUSTMENT** BOARD

THIRD DIVISION

Award Number 25453
Docket Number **SG-25683**

Eugene T. Herbert, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(
(Consolidated Rail Corporation

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Consolidated Rail **Coproration:**

System Docket 2004-C
Eastern Region Case **ENA-SI-11/82**

Claim of T. R. Zaro 'for position of Inspector at NK Tower Newark, **N.J.** " and "for the difference in pay between Foreman and Inspector until Mr. **Zaro** is awarded the position of Inspector at **NK Tower**" account not awarded such Inspector position.

OPINION OF BOARD: The record is clear that Rule **2-A-1(a)** was violated when Carrier failed to post the advertisement for the position of Inspector, as required, on a Wednesday at the Bethlehem, Pennsylvania, location where Claimant was employed as a Foreman.

As a result, Claimant was unable to submit a timely bid for that position and an employee junior to Claimant was selected for it. The junior employee was in turn displaced on November 23, 1982, by a senior employee, who was also senior to Claimant.

Accordingly, the damages resulting, for which Claimant should be compensated, amount to \$48.00, being thirty eight-hour work days at the .20 hourly difference between the rate for Foreman and the rate for Inspector.

A violation of Rule 3-B-1, asserted by the Organization in its letter of December 27, 1983, was not raised on the property and, accordingly, the Board makes no finding on the merits of that issue.

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.

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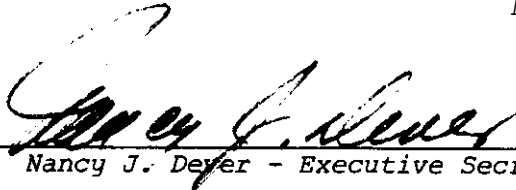
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Claim sustained in accordance with the Opinion.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Deyer - Executive Secretary

Dated at Chicago, Illinois, this 23rd day of May 1985