

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25482
Docket Number CL-24663

Josef P. Sirefman, Referee

(Brotherhood of Railway, Airline and Steamship Clerks,
{ Freight Handlers, Express and Station Employees
PARTIES TO DISPUTE: {
(Missouri-Kansas-Texas Railroad Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
(GL-9625) that:

"1. The Missouri-Kansas-Texas Railroad Company violated the current Rules Agreement between the parties, including but not limited to DP-451, **DP-564-MKT**, and the March 4, 1980, Agreement, when it failed on January 7 and 27, 1981, to advertise and fill the added positions at Dallas, Texas, with former Rock Island **employees** with first right of hire and failed to assign former Rock Island employee Foster J. **Owens** to Position No. 30074 or allow him to work that position until it was bulletined and assigned to a former Rock Island employee with first right of hire.

2. Carrier shall **now** pay Mr. Foster J. **Owens** for all time lost commencing with January 29, 1981, and continuing until Telegrapher/Clerk Position No. 30074 is properly filled in accordance with the provisions of the March 4, 1980, Agreement.'

OPINION OF BOARD: A review of the record establishes that this Claim is properly before the Board. It further establishes that pursuant to the March 4, 1980, Labor Protective Agreement, the Organization and the Carrier provided a contractual method for implementing the allocation of seniority resulting from interim operations by the Carrier of certain Rock Island trackage. Under this second agreement, effective November 1, 1980, the Claimant did not possess seniority rights which would have entitled him to the position claimed.

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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Page 2

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:

A handwritten signature in cursive script, appearing to read "Nancy J. Defer", is written over a horizontal line.

Nancy J. Defer - Executive Secretary

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