

The Third Division consisted of the regular members and in addition Referee Peter R. Meyers when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of **Maintenance** of Way **Employees**
(National Railroad Passenger Corporation (Amtrak)
(Northeast Corridor

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood that:

The claim* as presented by Claimant P. A. Rocchio on November 24, 1981 to Division Engineer Siravo shall be allowed as presented because Division Engineer Siravo failed to disallow said claim **as** contractually stipulated in Rule **64(b)** (System File NEC-BMWE-SD-738).

*The letter of claim will be reproduced within **our** initial submission."

FINDINGS:

The Third Division of the Adjustment Board upon the whole record and all the evidence, finds that:

The carrier or carriers and the **employee** or employees involved in this dispute are respectively carrier and **employees** within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

Claimant established seniority with the Carrier as a **Trackman** in August, 1976; he subsequently was promoted to **a** Foreman and established seniority **as** a "Assistant Foreman and Foreman in November, 1977. **On September 23, 1980**, Claimant filed **the** first of several protests of Carrier's annual seniority rosters, charging Carrier with failing to properly rank Claimant's name in the various classes in which he held seniority. In February, 1983, Carrier agreed to revise **Claimant's** Foreman and Assistant Foreman seniority dates on the 1983 roster. I" October, 1981, before Claimant's seniority dates were revised, Claimant applied for and **was** denied **a** Maintenance Foreman's position; this position **was** assigned to **a** junior employee. A Claim was thereafter filed on Claimant's behalf. challenging this assignment of the Maintenance Foreman's position.

This Board has reviewed the evidence in the record, and we find that the February 18, 1983, letter from the Assistant Chief Engineer to the General Chairman fully resolves the issue of the Claimant's seniority dates. The Organization concurred with the facts stated in that letter showing the Claimant's seniority dates, and that letter resolves all of these issues.


This Board has reviewed all of the procedural objections and questions raised by the parties, and we hereby reject them.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:



Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 15th day of January 1988..