

PARTIES TO DISPUTE: (Margaret L. Rogers
(
(Consolidated Rail Corporation

STATEMENT OF CLAIM: "The parties to dispute are Consolidated Rail Corporation and myself, Margaret L. Rogers.

An award is desired for my unjust treatment claim (Rule 45) case no. 65-590-83.

After being made fully qualified for the position of a 2X Rate Revisor in 1975 I found myself harassed and disqualified from this position when I returned to this department.

As set forth in Rule 43 and Rule 44 an employee who considers himself unjustly treated, otherwise than covered by these rules, shall have the same right of investigation, hearing or appeal and representation es provided in Rules 42 and 43.

Also, as set forth in Rule 45 for claims for compensation pg. (g), A claim or grievance denied in accordance with paragraph (f) will be considered closed unless proceedings are instituted before the National Railroad Adjustment Board.

All data in support of my position has been presented to Con-Rail as System Docket No. CR-3157 by Mr. R. A. Scardelliti, General Chairman, BRAC.

Oral hearing is not desired."

FINDINGS:

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

The carrier or carriers and the **employe** or employes involved in this dispute are respectively carrier and employes 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.

The Claimant has alleged that the Carrier acted arbitrary and unjust in Its denial of an Unjust Hearing to investigate her disqualification. Claimant requests an Unjust Hearing and appropriate compensation.

The Board recently considered a similar dispute involving the same parties in Third Division Award 26863; as was done in that dispute, we have considered all the facts and the record presented, and concluded that the necessary proof has not been adduced to show that the Carrier violated the Agreement.

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 30th day of March 1988.