

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Award No. 27928
Docket No. MS-27311
89-3-86-3-584

The Third Division consisted of the regular members and in addition Referee Rodney E. Dennis when award was rendered.

(Denzel R. Phillips

PARTIES TO DISPUTE: (

(Burlington Northern Railroad Company

STATEMENT OF CLAIM:

"The question involved is a seniority dispute. The carrier has stated in files No. B-1322-1 and in a letter from Mr. T. M. Adams, Springfield Region, states that I have seniority as Foreman when the job has been worked for more than 20 working days. There have been others acquiring (sic) seniority in this manner. Two of them are Mr. Rex Hayter and R. E. Wagoner. There are others but I don't have their names.

Since Award 25978, Docket No. MW-25946 was awarded to the carrier I feel I should have received my seniority rights as of April 1, 1983."

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.

Claimant D. R. Phillips has periodically been appointed to work as both a Foreman and Assistant Foreman at Carrier's Rail Welding Facility at Springfield, Missouri. Claimant contends that as a result of the assignment, he should have established a seniority date as a Foreman. Carrier objects to this position.

This Board has reviewed the record and is compelled to agree with Carrier in this instance. A special agreement covers the Rail Welding Facility. That Agreement indicates that the Foreman position will be filled in accordance with Rule 40 of the August 1, 1975 Agreement.

Rule 40 states that the positions of Foreman and Assistant Foreman will not be subject to the seniority and promotion rules of this Agreement.

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Claimant in this instance has not demonstrated the Rule support for his claim or supported his accusation that other employees have acquired seniority in the manner he proposed.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Devel - Executive Secretary

Dated at Chicago, Illinois, this 6th day of June 1989.