

The Third Division consisted of the regular members and in addition Referee John C. Fletcher when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(The Atchison, Topeka and Santa Fe Railway Company

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

(1) The Carrier violated the Agreement when it assigned and used Welder Helper J. E. Chance instead of Welder Helper R. C. Boaldin to fill a temporary vacancy of welder helper at Kinsley, Kansas, December 10 through December 21, 1984 (System File 50-10-584/11-2340-40-31).

(2) Claimant R. C. Boaldin shall be allowed the difference between what he would have received at the welder helper's rate and what he was paid at the trackman's rate during the claim period and he shall be reimbursed for the expenses (\$239.26 for meals and lodging) he incurred during the claim period because of the violation referred to in Part (1) hereof."

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.

The facts in this Claim demonstrate that Claimant, a trackman headquartered at Ness, Kansas, was improperly denied the right to bid on a temporary vacancy of welder helper, assigned at Kinsley, Kansas. While the temporary vacancy was in place Claimant continued to work his regular assignment. The Claim is for the difference between what Claimant would have received at the welder helper's rate and what he was paid at his trackman's rate, plus \$239.26 representing meal and lodging expenses. (Had Claimant been assigned to the welder helper's position he would have been entitled to expense reimbursement. While working at his headquarters point as a trackman he was not, under the Agreement, eligible for expense reimbursement.)

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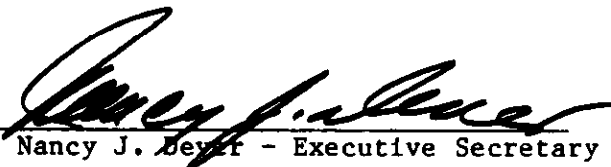
Award No. 28246
Docket No. MW-27500
90-3-86-3-752

We will sustain the Claim for the difference between what Claimant earned as a trackman and what he would have earned as a welder helper. However, we do not find any basis, under the Agreement, for awarding the expense allowance sought.

A W A R D

Claim sustained in accordance with the Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: 
Nancy J. Dwyer - Executive Secretary

Dated at Chicago, Illinois, this 1st day of February 1990.