

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION

Award No. 28279  
Docket No. MS-28447  
90-3-88-3-243

The Third Division consisted of the regular members and in addition Referee Eckehard Muessig when award was rendered.

(Tim Langham  
PARTIES TO DISPUTE: (  
(CSX Transportation, Inc.

STATEMENT OF CLAIM:

"Why did the CSX Railroad former (Seaboard Coastline Railroad) violate Article 5 Section (1) of May 8, 1985 also May 8, 1981 working agreements by not offering position in Chicago, Ill. to employees in that Seniority District before offering job to employees on 500 Roster or never filling position with new hire making it a ploy to eliminate the 500 royster employees.

Restitution should be in order for above violations and also for the changeing of my Headquarters point over the 30 mile radius. (Article 2)" (sic)

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 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 Claimant contends that he was improperly denied protection and benefits contained in the Job Stabilization Agreement of May 7, 1981, as amended.

The Board has carefully reviewed and analyzed the lengthy file developed as a result of this Claim. While there is some dispute as to certain factual elements surrounding this dispute and although certain matters are not admissible because they were not raised on the property, we find the key evidence needed to resolve this Claim has been progressed in the accepted manner.

The relevant facts show that the Claimant's position had been abolished. He chose to remain at his headquarters point and to protect extra work within a thirty mile radius. Subsequently, after the Claimant declined a position in the Carrier's Chicago Sales and Marketing Office, his protection was suspended. We find that the Carrier's decision with respect to the Claimant was in accordance with the Job Stabilization Agreement and the Parties' Memorandum of Agreement, dated May 8, 1985.

In view of the foregoing, the Claim cannot be sustained.

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 28th day of February 1990.