

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

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

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

(1) The Carrier violated the Agreement when it failed to assign the EWE 'B' (Tamper) position advertised by Advertisement 13-PRS-0585 to Mr. A. Plant (System File NEC-BMWE-SD-1339).

(2) As a consequence of the aforesaid violation, the notice of award to Advertisement 13-PRS-0585 shall be corrected to show A. Plant as the successful applicant for the EWE 'B' (Tamper) position effective June 3, 1985."

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.

On July 5, 1985, Mr. Leonetti was awarded a position as an EWE "B" Tamper. Claimant protested this award, contending he was more senior than Leonetti and qualified to perform the work.

Carrier denied this Claim, contending that in the seniority district on which seniority for this job is based, Leonetti is more senior than Claimant.

This Board has reviewed the total record and concludes that Carrier has properly assigned the job and no Claim is appropriate.

Form 1  
Page 2

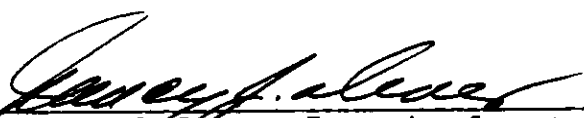
Award No. 28385  
Docket No. MW-27445  
90-3-86-3-692

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 25th day of May 1990.