

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Award No. 29754
Docket No. MW-29970
93-3-91-3-363

The Third Division consisted of the regular members and in addition Referee Hugh G. Duffy when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employes
(Consolidated Rail Corporation

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

- (1) The Agreement was violated when the Carrier changed headquarters of Messrs. G. Migliorisi, J. H. Johnston and W. K. Wisor from camp cars to fixed headquarters without abolishing and readvertising their positions (System Docket MW-1154).
- (2) As a consequence of the aforesaid violation, Messrs. Migliorisi, Johnston and Wisor shall each be paid two (2) hours' travel time each day and eighteen dollars (\$18.00) per day meal allowance, commencing December 17, 1989 and continuing until their positions are abolished and readvertised."

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 employe 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.

In this Claim the Organization alleges that the Carrier violated Rules 4, 23 and 24, when on December 17, 1989, it changed the Claimants' location from "Camp Cars" in Leechburg, Pennsylvania

to a fixed headquarters in Leechburg. The Carrier failed to abolish and readvertise the positions when it made the move.

The underlying facts and contentions in this dispute are similar to those in Award 25 of Public Law Board No. 3781, a dispute between the parties in which the Carrier made a similar move. We will follow that Award and find that the Carrier violated the Agreement when it failed to abolish and readvertise the positions. We also find a lack of any evidence with respect to the extent of monetary damages or to the non-availability of other positions to which the Claimants could have exercised their seniority. Accordingly, Paragraph (1) of the Claim is sustained, and Paragraph (2) is denied.

A W A R D

Claim sustained in accordance with the findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:

Catherine Loughrin
Catherine Loughrin - Interim Secretary to the Board

Dated at Chicago, Illinois, this 20th day of September 1993.