

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Form 1

Award No. 30471
Docket No. SG-30879
94-3-92-3-768

The Third Division consisted of the regular members and in addition Referee Joseph A. Sickles when award was rendered.

PARTIES TO DISPUTE:

(Brotherhood of Railroad Signalmen
(
(Chicago & North Western
Transportation Company)

STATEMENT OF CLAIM:

"Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Chicago & North Western Transportation Co.:

Claim on behalf of T.A. Scheidecker for payment of 24 hours at his straight time rate on account of Carrier violated the current Signalmen's Agreement, as amended, particularly Rules 5, 12, 35 and 39, when it failed to provide the Claimant with 40 hours of work during his work week beginning February 11, 1991." Carrier File 79-91-11. GC File No. S-AV-46. BRS File No. 8785-CNw.

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 employee 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 held a regularly assigned position of Lead Signalman at Sterling, Illinois and he exercised seniority following certain job abolishments and displacement. However, due to certain "sessions" work, the Claimant was unable to work for 24 hours of straight time.

On the property, the Carrier advised that it had requested change in assignments and a majority of the crew agreed and, in fact, this Claimant participated in the poll. In addition, the Claimant, under standard practice, would have been allowed to work on off days during an assignment change to make up any possible lost time, but the Claimant did not take advantage of that "practice."

As we view this record, we are not confronted with a situation where a carrier took action which resulted in a detriment to the employee and which, under certain awards, should be rectified by the Carrier. Here, the employee exercised seniority to a position. When he arrived at the new position, there was a poll taken concerning change in scheduling and, in fact, the Claimant participated in the poll. To be sure, he voted against the change but his fellow employees approved the alteration by a 70% margin. Under the circumstances, we cannot find that the Carrier was at fault concerning the loss to the Claimant and we will deny the claim.

A W A R D

Claim denied.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Dated at Chicago, Illinois this 13th day of September, 1994