

Award No. 32623
Docket No. MW-31230
98-3-93-3-268

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
(Union Pacific Railroad Company (former Missouri
(Pacific Railroad)

STATEMENT OF CLAIM:

"Claim of the System Committee of the Brotherhood that:

- (1) **The Agreement was violated when the Carrier posted Bulletin Nos. SSM00229 (machine operator) and SSM00230 (machine operator helper) as System Rail Gang positions instead of Division Rail Gang positions and without posting the identification number of the involved machine (Carrier's File 920315 MPR).**
- (2) **As a consequence of the violation referred to in Part (1) above, the Carrier shall cancel the bulletins as advertised and re-bulletin them to the respective Division forces with the proper machine identification number."**

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 were given due notice of hearing thereon.

At issue in this dispute is the right of the Carrier to bulletin certain positions as System Gang positions rather than Division Gang positions. Many, if not all of the arguments advanced by the Organization in support of its claim were disposed of in denial Third Division Awards 29977, 30086 and 30087, involving these same parties.

The Board does not find the three denial Awards to be in palpable error. The claim involved here will be denied.

AWARD

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 23rd day of June 1998.