

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 32625
Docket No. MW-31234
98-3-93-3-131**

The Third Division consisted of the regular members and in addition Referee John C. Fletcher when award was rendered.

**(Brotherhood of Maintenance of Way Employees
PARTIES TO DISPUTE: (
(Southern Pacific Transportation Company
((Eastern Lines)**

STATEMENT OF CLAIM:

"Claim of the System Committee of the Brotherhood that:

- (1) The Agreement was violated on February 10 through 28, 1992, when the Carrier assigned junior employee R. H. Johnson to perform work with the ribbon rail train between Mile Post 201.50 and Mile Post 120.00 from Uvalde to Flatonia, Texas instead of recalling and assigning senior Machine Operator M. R. Turbeville to perform the work (System File MW-92-76/MofW 92-41 SPE).**
- (2) As a consequence of the violation referred to in Part (1) above, senior Machine Operator M. R. Turbeville shall be allowed one hundred twenty-two (122) hours' pay at his respective straight time rate, thirty six and one-half (36 1/2) hours' pay at his time and one-half rate and he shall be credited with fourteen (14) days for vacation qualifying purposes."**

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.

When the Supervisor of the ribbon rail train was on vacation for two weeks in late February 1992, Carrier assigned Mr. R. H. Johnson to work the vacancy. The Organization contends that Claimant should have been assigned to the vacancy in preference to Johnson, as he possessed the necessary qualifications for the job and he also possessed greater seniority.

The Board finds that the evidence in this record supports the contentions of the Organization. Accordingly, the claim will be sustained.

AWARD

Claim sustained.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) be made. The Carrier is ordered to make the Award effective on or before 30 days following the postmark date the Award is transmitted to the parties.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division**

Dated at Chicago, Illinois, this 23rd day of June 1998.