

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Award No. 33174
Docket No. CL-33516
99-3-96-3-1059

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

(Transportation Communications International Union
PARTIES TO DISPUTE: (
(National Railroad Passenger Corporation (AMTRAK)

STATEMENT OF CLAIM:

“Claim of the System Committee of the Organization (GL-11584) that:

Claimant Anthony Zizzi. Please allow the following time claim for eight hours pay at the time and one-half rate for Saturday, July 15, 1995, at Syracuse, New York, for Job S-2 (2:30 – 11:00 P.M.). The job was covered at the overtime rate with a junior employee (J. Blase) when regular agent T. R. Fuller called in sick. I had not been notified of this vacancy either at my home or on my beeper - as this is my primary method of notification, as indicated in a letter to your office some time ago.”

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 the time this dispute arose, Claimant was assigned to a regular Ticket Clerk position at Syracuse, New York. By letter of July 20, 1995, Claimant filed a claim

alleging that Carrier had erroneously failed to notify Claimant by beeper or telephone of a 2:30 P.M. to 11:00 P.M. vacancy on Saturday, July 15, 1995. In his response letter, the Customer Service Supervisor pointed out that the Supervisor at Albany/Rensselaer had attempted to contact the employee at his home telephone number of record between 2:45 P.M. and 3:00 P.M. to no avail.

The Carrier has established without contradiction that it did not know about the vacancy at issue until approximately 2:40 P.M. on the date in question. At that point the Supervisor attempted to fill the position by calling the most senior eligible employee - Claimant. When the attempt to reach Claimant was unsuccessful, the Supervisor proceeded to more junior employees. Although the Claimant has asserted that he left instructions with Carrier that all calls should be directed through his beeper/pager, Carrier has stated without contradiction that no record of any such notification existed at either the Albany/Rensselaer or Syracuse facilities.

In the absence of concrete evidence demonstrating that Carrier did not make an honest effort to contact Claimant, the Board has no alternative but to deny the instant claim.

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 25th day of March 1999.