

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 34068
Docket No. CL-34967
00-3-98-3-658**

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

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

STATEMENT OF CLAIM:

“Claim of the System Committee of the Organization (GL-12156) that:

Claim (AM-965) in behalf of Clerk Freddiree Scott:

- (A) The Carrier violated the Amtrak Clerks’ Rules Agreement particularly Rules 8, 10 and other Rules when on February 6, 1997 it failed to allow Claimant Freddiree Scott to displace junior employee Queena Howard from her position of Accounting Clerk located at 400 N. Capitol Street, NW, Washington, DC.**
- (B) Claimant now be allowed eight hours pay at \$15.08 per hour for each and every work day starting on February 6, 1997 and continuing until this time claim is settled. Claimant should be allowed \$15.08 at the punitive rate of time and one half for each and every hour that Claimant would have been able to work overtime during the above stated time frame; and finally Claimant should be placed on the above mentioned position on account of this violation.**
- (C) Claimant was in bump status, has the fitness and ability to perform the job and should have been allotted thirty days in which to qualify as provided by the Agreement.**
- (D) This claim has been presented in accordance with Rule 25 and should be allowed.”**

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.

This is a companion case to Third Division Award 34067. For the reasons set forth in those findings, this claim is 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 25th day of May, 2000.