

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 34970
Docket No. SG-34082
00-3-97-3-624**

The Third Division consisted of the regular members and in addition Referee Edwin H. Benn when award was rendered.

**(Brotherhood of Railway Signalmen
PARTIES TO DISPUTE: (
(Burlington Northern and Santa Fe Railway Company
(former Burlington Northern Railroad)**

STATEMENT OF CLAIM:

“Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Burlington Northern Railroad (BN):

Claim on behalf of C. M. Alvesshere for allowance of moving benefits, a transfer allowance, and a monthly wage guarantee, account Carrier violated the current Signalmen’s Agreement, particularly Rule 32, when it refused to allow the Claimant these benefits when he was displaced on January 2, 1996. as a result of an operational/organizational change and required to move his residence. Carrier’s File No. SIA 96-09-18AA. General Chairman’s File No. TC-10-96(2). BRS File Case No. 10362-BN.”

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.

The claim here is that the Claimant is entitled to the benefits of Rule 32 as a result of the abolishment of R. D. Neumann's exempt position and his subsequent exercise of seniority which adversely affected the Claimant. This claim raises the same issues decided in Third Division Award 34969 where the Board found that Rule 32 did not govern the dispute in that the Organization had not demonstrated that the abolishment of Neumann's exempt position amounted to an operational or organizational change. That Award governs this dispute as well. This claim shall also 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 20th day of September, 2000.