

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 37385
Docket No. SG-37034
05-3-01-3-667**

The Third Division consisted of the regular members and in addition Referee Robert Perkovich when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(BNSF Railway Company

STATEMENT OF CLAIM:

"Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Burlington Northern Santa Fe Railroad Co:

Claim on behalf of T. G. Climer, for payment of the difference between his normal rate and the Signal Shop Foreman's rate from October 4, 2000 through October 14, 2000. Account Carrier violated the current Signalmen's Agreement, particularly Rule 22 Seniority, when it allowed a junior employee to relieve the Signal Shop Foreman position instead of the Claimant. Carrier's File No. 35 01 0004. General Chairman's File No. 01-004-BNSF-129-S. BRS File Case No. 11871-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.

On the dates in question the Carrier assigned an employee junior to the Claimant to the position of Signal Shop Foreman while the incumbent in that position was on vacation. The Organization contends that in doing so the Carrier violated the Claimant's seniority rights. We disagree because the record reflects, without rebuttal by the Organization, that the Claimant was not qualified to perform certain functions of the Signal Shop Foreman position such as payroll, assigning jobs in the wiring shop, and the sorting and making of corrections to electronic plans for wiring. Nothing in Rule 22, which sets forth the Claimant's seniority rights, demands that the Carrier follow seniority to the extent that an employee who is not qualified to perform a job be awarded that position.

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 24th day of February 2005.