

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 41599
Docket No. MS-41197
13-3-NRAB-00003-100050**

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

(Cheri Dietrich
PARTIES TO DISPUTE: (
(Soo Line Railroad Company

STATEMENT OF CLAIM:

“Carrier violated the Agreement by failing to award Ms. Cheri Dietrich, hereafter referred to as Claimant, to a bulletined permanent position in Seniority District No. 2, namely Bulletin No. 2-12, dated August 22, 2007, Shipping Documentation Service Representative/90015, of which Claimant was the only bidder currently employed on aforementioned Seniority District 2, in accordance with Rule 23, paragraph (c) of the TCU Agreement and all other related rules. This advertisement awarded to an employee currently working in Seniority District No. 6, a totally separate and distinct seniority district, according to Award Bulletin No. 2-12A, dated August 30, 2007, in violation of Rule 23(c).

Carrier shall now be required to immediately award Claimant the aforementioned Shipping Documentation Service Representative Position No. 90015, and compensate Claimant for the losses sustained, that being the difference in earnings between the rate of the Shipping Documentation Service Representative/90015 and Claimant’s Guaranteed Daily Protected Rate, commencing on August 31, 2007 and continuing until Claimant is awarded aforementioned position.”

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 Board carefully reviewed the record before it and has concluded that the claim is without merit.

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 April 2013.