

NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION

Award No. 41603  
Docket No. MS-41201  
13-3-NRAB-00003-100054

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 Rules 23c, 7 (a) and (g), and Rule 8 of the TCU Agreement, along with any other pertinent rules and Agreements not specifically stated herein, when the Carrier improperly disqualified Ms. Cheri Dietrich, hereafter referred to as Claimant, on January 25, 2008, from the position of Shipping Documentation Service Representative, Position No. 90015, as advised by Award Bulletin No. 2-2A, dated January 25, 2008, Seniority District No. 2, in which a junior employee from a totally separate and distinct seniority district, namely Seniority District No. 6, was awarded said position with no seniority date whatsoever, in Seniority District No. 2. Claimant’s seniority date in aforementioned seniority district is 10/13/86.

Carrier failed to recognize various instances of unjust treatment as brought out during testimony in the Unjust Treatment Hearing of February 28, 2008.

Carrier shall now be required to immediately award Claimant the aforementioned Shipping Documentation Services Representative Position 90015 and compensate Claimant eight (8) hours at the time and one-half rate for each and every workday, commencing on January 25, 2008, 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.