

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Award No. 41604
Docket No. MS-41202
13-3-NRAB-00003-100055

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 Cheri Dietrich, hereafter referred to as a Claimant, to a bulletined permanent position in Seniority District No. 2, namely, Bulletin No. 2-17, dated November 1, 2007, Rate Maintenance Representative/13264 of which Claimant was the senior bidder currently employed on aforementioned Seniority District No. 2, with a seniority date of 10-13-86, in accordance with Rule 14, paragraph c, of the TCU Agreement and all other related rules, not specifically stated herein. Carrier failed to award this advertisement to anyone, and in fact stated: ‘This bulletin has No Qualified Bidders,’ according to Award Bulletin No. 2-17A, dated November 13, 2007, in violation of Rule 14 c. Furthermore, Carrier failed to award this position to other clerical employee currently employed on Seniority District No. 2, Ms. Mary Zinos, with a seniority date of 10-29-07 in Seniority District No. 2 and also failed to advise Ms. Zinos, in writing, the concerns for her non-assignment, which had been requested, in writing, by Ms. Zinos, within fifteen (15) days of her non-assignment.

Carrier shall now be required to immediately award Claimant, Ms. Dietrich, the aforementioned Rate Maintenance Representative position/13264, and if not filled by Ms. Zinos, then filled by one of the eight (8) other clerical applicants from Seniority District No. 6.

Carrier shall also now be required to compensate proper Claimant, after a check of the company records), eight (8) hours at the time and one-half rate for each and every workday, commencing on November 14, 2007, and continuing until proper 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.



3-41605

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Award No. 41605
Docket No. MS-41203
13-3-NRAB-00003-100056

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 violation Rule 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 15, 2008, from the position of Rate Maintenance Representative, position no. 13264, as advised by Award Bulletin No. 2-1A, dated January 15, 2008, with a seniority date in Seniority District No. 2 of 10/29/07. Claimant’s seniority date in aforementioned seniority district is 10/13/86.

Carrier shall now be required to immediately award Claimant the aforementioned Rate Maintenance Representative Position No. 13264, and compensate Claimant eight (8) hours at the time and one-half rate for each and every workday, commencing on January 15, 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.



3-41606

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Award No. 41606
Docket No. MS-41204
13-3-NRAB-00003-100057

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 Rule 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 15, 2008, from the position of Rate Maintenance Representative, Position No. 13264, as advised by Award Bulletin No. 2-1A, dated January 15, 2008, in which a junior employee was awarded said position with a seniority date in Seniority District No. 2 of 10/29/07. 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 Representative Position No. 13264, and compensate eight (8) hours at the time and one-half rate for each and every workday, commencing on January 15, 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.