

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION**

**Award No. 41837  
Docket No. SG-42205  
14-3-NRAB-00003-130159**

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

**PARTIES TO DISPUTE:** ( **Brotherhood of Railroad Signalmen**  
( **Union Pacific Railroad Company**

**STATEMENT OF CLAIM:**

**“Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Union Pacific Railroad:**

**Claim on behalf of F. Burks, for compensation for all lost wages, including overtime, beginning on October 10, 2011, and continuing until this dispute is resolved, account Carrier violated the current Signalmen’s Agreement, particularly Rule 46, when it abolished the Claimant’s position then refused to allow him to displace a junior employee. Carrier’s File No. 1563502. General Chairman’s File No. S-46-1175. BRS File Case No. 14855-UP.”**

**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.**

At the time this dispute arose, the Claimant was a Class 3 Signal Helper on Zone 4 – Roster 8504 (date of hire January 3, 2011), holding a position on Signal Gang No. 2749.

The Claimant's Class 3 Signal Helper position was abolished effective October 10, 2011. The Claimant sought to displace a junior Signal Helper on Roster 8502. The Carrier denied the Claimant's displacement request and this claim followed.

Rule 46 provides, in pertinent part:

**"Rule 46 — Displacements**

A. When positions are abolished, employees affected may, within ten (10) calendar days from date of displacement (or if displaced while on vacation or leave of absence, within ten (10) calendar days from date of return) displace any employee their junior on the same seniority roster in the same class . . . ." (Emphasis added)

The Claimant was attempting to displace onto a different seniority roster. Under Rule 46(A), the Claimant's displacement entitlement is limited to ". . . the same seniority roster." Given these facts, the Claimant had no right to displace under Rule 46. The claim must therefore 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 28th day of April 2014.