

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

John H. Dorsey, Referee

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES**

WABASH RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-4967) that:

(1) Carrier violated the Schedule for Clerks on the Decatur Division when on May 16, 1960, it denied Mr. N. G. Sarver the opportunity to displace a junior employe and sent him (Sarver) home as furloughed without pay for one day, May 16, 1960.

(2) Mr. N. G. Sarver be paid eight (8) hours at straight time rate of Key Punch — Verifier operator, rate \$19.84 per day, for May 16, 1960.

EMPLOYEES' STATEMENT OF FACTS: Prior to May 16, 1960, Mr. Sarver, seniority date August 23, 1956, was assigned on Position No. 7, Stenographer, located in the office of the Superintendent Signals and Communications at Decatur, Illinois.

Mr. Sarver advised Mr. H. D. Blair, Supervisor of the Centralized Accounting Bureau, at Decatur, Illinois, in letter dated April 27, 1960, that in accordance with the provisions of Section 2, paragraphs (a) and (b) of the Memorandum of Agreement in connection with the transfer of office force of the Superintendent Signals and Communications from Decatur, Illinois to St. Louis, Missouri, signed April 11, 1960, and effective May 16, 1960, he desired to exercise his seniority on Job No. 77, Key Punch — Verifier operator, in the Centralized Accounting Bureau at Decatur, Illinois.

The Memorandum of Agreement effective May 16, 1960, as referred to above reads as follows:

"2. (a) Employees occupying the daily rated positions in the Office of the Superintendent Signals and Communications at Decatur, Illinois, who desire to do so will be permitted to exercise their seniority on the Decatur Division effective as of May 16, 1960, the same

General Storekeeper W. F. Brown issued the following notice:

**"WABASH RAILROAD COMPANY
OFFICE OF GENERAL STOREKEEPER
DECATUR, ILLINOIS**

May 17, 1960

Mr. Nelson G. Sarver, seniority Aug. 23, 1956, has been assigned the position of Voucher Writer (Job. No. 87) in this office, per my Bulletin of May 9, 1960.

W. F. Brown,
General Storekeeper"

Mr. Sarver's initial work on Job No. 87, Voucher Writer in the office of the General Storekeeper at Decatur, was on May 17, 1960.

Copy of all of the correspondence had between the representatives of the parties to this dispute is attached hereto and made a part hereof, marked Carrier's Exhibit "B".

(Exhibits not reproduced.)

OPINION OF BOARD: Claimant filed notice to displace on a specific job on a future day certain. At the time the notice was filed the job was held by an employe junior in seniority to Claimant. Between the date of filing the notice and the specified date on which the displacement was to take place the job was assigned to an employe with greater seniority than Claimant. Consequently, Claimant had no contractual right to displace the senior employe. We will deny the Claim.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties waived oral hearing;

That the Carrier and the Employes involved in this dispute are respectively Carrier and Employes within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That Carrier did not violate the Agreement.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 27th day of May 1966.

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