

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20470  
Docket Number MW-20250

Joseph Lazar, Referee

PARTIES TO DISPUTE:

(Brotherhood of Maintenance of Way Employees  
(  
(St. Louis-San Francisco Railway Company  
(  
AT&N District

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that:

(1) The Carrier violated the Agreement when it failed and refused to pay Track Laborer Make Watkins mileage allowance for driving his personal automobile between York and Aliceville, Alabama from March 13 through March 24, 1972 during which time he was improperly displaced from his regular assignment as track laborer on Section 652 at York, Alabama (System File F-10437 Make Watkins/D-6861 ATN).

(2) Track Laborer Make Watkins be allowed \$100.26 (1114 miles x 9 cents per mile) because of the violation referred to in Part (1) hereof.

OPINION OF BOARD: Under the circumstances of this case, involving as they do, the application of the force reduction rule of the agreement (Article 2, Rule 8: "When force is reduced the senior employees in the sub-department capable of doing the work shall be retained.") it was not permissible to retain track laborer J. L. Sturdivant (seniority date as track laborer of September 25, 1948), an employee junior to Claimant track laborer Make Watkins (seniority date of April 11, 1947), continuing the junior in service when on March 12, 1972 forces were reduced on Section Gang 652 at York, Alabama. It is clear from the record that track laborer J. L. Sturdivant did not acquire seniority as truck driver-laborer pursuant to Appendix Item No. 2, paragraph 2, until he was assigned as such on April 19, 1972.

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 Employees involved in this dispute are respectively Carrier and Employees 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 the Agreement was violated.

Award Number 20470  
Docket Number MW-20250

Page 2

A W A R D

Claim sustained.

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By Order of Third Division

ATTEST: A.W. Paulson  
Executive Secretary

Dated at Chicago, Illinois, this 25th day of October 1974.