

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20650
Docket Number SG-20614

Francis X. Quinn, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(Chicago and North Western Transportation Company)

STATEMENT OF CLAIM: Claims of the System General Committee of the Brotherhood of Railroad Signalmen on the Chicago and North Western Transportation Company:

Claim No. 1:

(a) On or about August 21, 1972, the Carrier violated the current Signalmen's Agreement, particularly Rule 36c (revised), when Signal Supervisor, A. F. Cherveney, issued an incorrect displacement sheet for bulletin #16.

(b) The Carrier now be required to cancel the displacement sheet entirely, and issue a correct sheet, per the provisions of Rule 36c.

(c) The Carrier be required to compensate and/or reimburse any signal employee adversely affected by the incorrect displacement sheet. (Carrier's file: 79-3-113).

Claim No. 2:

(a) On or about September 5, 1972, the Carrier violated the current Signalmen's Agreement, particularly Rules 17 (revised) and 36c (revised) when the Carrier required changes as directed by Bulletin #17.

(b) The Carrier be required to cancell (sic) Bulletin 16, and subsequent bulletins, return to status quo and issue a correct bulletin.

(c) The Carrier be required to compensate any and all employees adversely affected by changes necessitated by bulletin #16. (Carrier's file 79-3-115).

OPINION OF BOARD: A suggested interpretation of rule 36(c) that would completely divest some senior employees of any right to displace whatever and also reduce other senior employees to displacement on fewer than 7 positions held by junior employees is absurd and unreasonable.

Furthermore, there is no claim properly before this Board because there is no identified Claimant who meets the "Employee Involved" Test. Hence the case must be dismissed.

Award Number 20650
Docket Number SG-20614

Page 2

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 not violated.

A W A R D

Claims dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

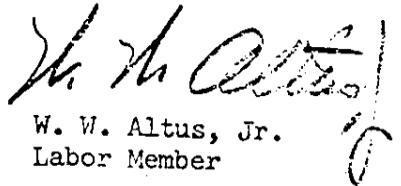
A. W. Paulson
Executive Secretary

Dated at Chicago, Illinois, this 21st day of March 1975.

Dissent to Award 20650, Docket SG-20614

Had the Majority devoted its time to reading the Docket before it instead of indulging in insults, it might have discovered that the Petitioner did not suggest an interpretation which would have reduced the rights of senior employees or divested any of them of those rights. The whole of the Majority's opinion should be viewed in this light.

I dissent.


W. W. Altus, Jr.
Labor Member