

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22215
Docket Number CL-22193

Don Hamilton, Referee

PARTIES TO DISPUTE:

(Brotherhood of Railway, Airline and
(Steamship Clerks, Freight Handlers
(Express and Station Employees
(
(Southeastern Demurrage and Storage Bureau

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
(GL-8406) that:

(a) The Bureau has violated the Rules Agreement, particularly Rules 5, 6, 9, and 12 by arbitrarily and capriciously awarding a position to the junior qualified employee bidding on the vacancy.

(b) Claimant J. A. Mason should be paid at her respective regular basic rate of pay at the straight time rate, in addition to what she has already been compensated, for each of her regularly assigned days commencing February 2, 1976 and continuing until this dispute is settled.

OPINION OF BOARD: This is a companion case to Award 22214.

This claim seeks additional compensation for Claimant Mason because a position described in Bulletin No. 2435 was awarded to a junior employe, J. R. Fleming. Claimant Mason has been working the position described in the Bulletin, and Fleming worked the Mason vacancy.

It is clear from Rule 6 that the Carrier should have issued a bulletin awarding the position to Mason. It is also clear that as a result of the violation, Mason lost no wages.

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 the Agreement was violated.

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Part (a) sustained; Part (b) denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: A. W. Paulos
Executive Secretary

Dated at Chicago, Illinois, this 15th day of November 1978.

