

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23385
Docket Number SG-23148

James F. Searce, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(
(Missouri Pacific Railroad Company

STATEMENT OF CLAIM: "Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Missouri Pacific Railroad Company:

On behalf of John Sturdivant for the benefits of Article VIII of the November 16, 1971 Agreement account being required to change his place of residence as a result of Carrier abolishing his Signalman position in Signal Gang No. 1273, Walnut Ridge, Arkansas, effective 4:00 p.m. June 30, 1978."
(Carrier file: K 225-787)

OPINION OF BOARD: Claimant herein was a Signalman assigned to Signal Gang 1273 at Walnut Ridge, Arkansas. Effective June 30, 1978, the Carrier abolished one of the two Signalman positions on Gang 1273, a position occupied by the Claimant who exercised his seniority against a junior employee in the Signal Maintenance classification at Ozark, Arkansas. The change was more than 30 miles distant from Walnut Ridge and eventually necessitated the Claimant's sale of his home and relocation of his family. A claim was made under Article VIII of the November 16, 1971 Agreement for benefits under Sections 10 and 11 of the Washington Job Protection Agreement, the Organization contending the events in this case met the criteria set out in Article VIII for such benefits, i.e. the Carrier had made a technological, operational or organizational change in its business. Essentially, the Organization asserts the work remained after the Claimant's departure and thus an operational or organizational change took place; the Carrier asserts the extent of work on Gang 1273 had diminished to the point that it no longer needed a second signalman. The burden here is on the Organization to show proof of an organizational or operational change in its method of doing business as it relates to the Claimant. None has been demonstrated on the record; therefore, its claim for benefits is without merit.

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

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That the Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. Paulson

Executive Secretary

Dated at Chicago, Illinois, this 15th day of September 1981.

