

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24097  
Docket Number MS-24015

Joseph A. Sickles, Referee

PARTIES TO DISPUTE: { A. J. Rush  
{ National Railroad Passenger Corporation

STATEMENT OF CLAIM: "Claim (NEC-BRS-SD-44) by the undersigned, protesting Amtrak's 1979 Seniority District 3 Roster for the Communication and Signal Department. Claim states that the name M. T. Biddle should not appear on aforementioned Roster."

OPINION OF BOARD: In this dispute, an individual is protesting the standing of another individual on Seniority District No. 3 Roster.

In our review of the entire transcript we have noted that throughout all aspects of the case and through and including handling to the highest designated Carrier official, the Organization and the Carrier have been in full agreement that the Claimant's contention was without merit. In fact, on April 10 of 1980 the Director-Labor Relations advised the Organization that at one point in time the "other individual" was inadvertently not included on the appropriate seniority list and the parties jointly agreed to place that Employee on the appropriate roster.

All individuals concerned have received appropriate notifications throughout all phases of this matter and we find no basis for disturbing the inclusion of the other individual's name on the roster. It may very well be that this Claimant does not agree with either the Organization or the Carrier, but that is hardly a basis for sustaining the claim. See for example the Decision in Third Division Award No. 22304.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

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

Claim denied.

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By Order of Third Division

Attest: Acting Executive Secretary  
National Railroad Adjustment Board

By Rosemarie Brasch  
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 5th day of January 1983.

