

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 26412
Docket Number SG-26084

Gil Vernon, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(
(Baltimore and Ohio Railroad Company

STATEMENT OF CLAIM: "Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Baltimore and Ohio Railroad Company:

Claim on behalf of Signal Maintainer D. W. Fullenkamp, ID #1520073, account Carrier violated Rule 47 of the current Signalmen's Agreement when it did not accept his bid for position of Signal Inspector as advertised by Western Division bulletin WD-83-306 dated July 6, 1983.

CLAIM (a): That the Carrier violated Rule 47 of the Signalmen's Agreement when Carrier rejected Mr. Fullenkamp's bid for position of Signal Inspector as advertised by bulletin WD-83-306.

CLAIM (b): That Mr. Fullenkamp's bid be accepted for position of Signal Inspector as advertised by bulletin WD-83-306. (Carrier file: 2-SG-702)"

OPINION OF BOARD: On July 6, 1983, the Carrier advertised a vacancy for a Signal Inspector position headquartered at Lawrenceburg, Indiana. Bids were received from various employees including Claimant D. W. Fullenkamp, furloughed Signalman D. L. McClure and Signal Inspector S. K. Thompson. The Claimant was senior to Mr. Thompson but junior to Mr. McClure. The Organization filed separate Claims on behalf of the Claimant and Mr. McClure and have progressed both to the Board.

It is the opinion of the Board that the Claim must be dismissed. Since the Organization has progressed both Claims on the basis that strict seniority should have prevailed in the assignment in question, only one employee (the senior employee--Mr. McClure) can be considered a proper Claimant. Accordingly, the Claimant has no standing to challenge the Carrier's decision.

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 Employee involved in this dispute are respectively Carrier and Employee 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

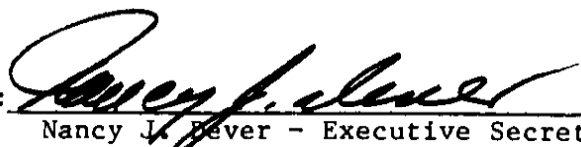
That the Claim is barred.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois this 13th day of July 1987.