

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 26428  
Docket Number MW-25994

Rodney E. Dennis, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employes  
(  
(Consolidated Rail Corporation  
(Former Penn Central Transportation Company)

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood that:

(1) The Carrier violated the Agreement when it failed to post Advertisement No. DE 81-153 dated December 3, 1981 at the headquarters (Holtwood, Pennsylvania) of Mr. A. L. Jefferson and as a consequence thereof, awarded the position advertised thereby to an employee junior to Mr. A. L. Jefferson (System Docket CR-152).

(2) Because of the aforesaid violation, Mr. A. L. Jefferson shall be awarded the position of machine operator-welder helper advertised by Advertisement No. DE 81-153 and he shall be compensated for all wage loss suffered beginning on the date the junior employee was assigned and continuing until the position is awarded to the claimant."

OPINION OF BOARD: The instant Claim arises out of a contention by Claimant that Carrier failed to properly post a job advertisement at the Claimant's Headquarters (Holtwood, Pennsylvania) and that, as a result, he failed to see the advertisement and was denied a chance to bid. A junior employee was awarded the job. The job in question was a Machine Operator Welder Helper.

Carrier contends that it did properly post the job. Claimant contends otherwise. A review of the record and the correspondence exchanged on the issue does not contain sufficient probative evidence to support either Carrier's or Organization's position. When such irreconcilable differences occur, such claims have traditionally been dismissed by this Board. We see no basis to do otherwise in this instance.

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 Claim should be dismissed.

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 24th day of August 1987.