

(Donna Pollin
PARTIES TO DISPUTE: (
(National Railroad Passenger Corporation (Amtrak)

STATEMENT OF CLAIM: "It is the claim of Donna Pollin that:

a) The Carrier violated the TCU/NRPC rules agreement of 7/21/72 as revised effective 11/15/88, in particular Rules 9 and 10 when it improperly allowed P. Young, Reservation Sales Agent, Fort Washington reservation sales office, Northeast Corridor Seniority District II, to displace D. Pollin, Ticket Clerk/Baggagehandler, Johnstown, PA, Eastern Region Seniority District 5, on 1/30/88 after Young was displaced from a reservation sales agent position in Fort Washington on 1/23/88. Young was senior to and possessed qualification to displace sever (sic) hundred employees within Northeast Corridor District II but was not required to do so.

b) That the Carrier now be required to return Ms. Pollin to her former position of Relief Ticket Clerk/Baggagehandler, Johnstown, PA and compensate her eight hours pay at the pro rata rate for each day commencing 2/1/88 and continuing each day thereafter until this claim is properly adjusted."

FINDINGS:

The Third Division of the Adjustment Board upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employees within the meaning of the Railway Labor Act as approved June 21, 1934. . . .

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute were given due notice of hearing thereon.

The central issue in this case involves the maintenance of an employee's seniority rights when working in another seniority district due to a force reduction.

Preliminarily, we note that many contentions raised by the Claimant were raised for the first time in her Submission to this Board. It is well settled that issues and contentions not raised in the handling on the property may not be raised for the first time before this Board. See for example, Third Division Awards 28573, 28092, 27328, 26257 and 24494. Therefore, we have restricted our consideration of this case to the issues which were advanced by the parties on the property.

Claimant contended Rules 9 and 10 of the Agreement were violated when an employee was allowed to displace her from her Relief Ticket Clerk/Baggage Agent position in Johnstown, Pennsylvania, effective January 30, 1988, based on the contention the involved employee had allegedly forfeited his seniority in the district when he accepted a position in another seniority district.

No evidence was presented by the Petitioner to counter the Carrier's interpretation that the other employee merely displaced the Petitioner from the position to which he should have been recalled pursuant to Rule 10.

From the evidence properly before the Board, we conclude there is no evidence in this record that any of the Rules cited by the Petitioner were violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 17th day of December 1990.