

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Award No. 29508
Docket No. MS-30140
93-3-91-3-721

The Third Division consisted of the regular members and in addition Referee Hugh G. Duffy when award was rendered.

PARTIES TO DISPUTE: (Michael E. Pawlowicz
(
(The Belt Railway Company of Chicago

STATEMENT OF CLAIM:

"...involving my claim for a seniority date as a Signal Technician; account of carrier violated the current Signalmen's Agreement, as amended, when it assigned a junior employee, Mr. R. Steczo to the position of Signal Technician, per bulletin #90-60."

FINDINGS:

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

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employes 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 waived right of appearance at hearing thereon.

Claimant alleges that his seniority rights were violated when the Carrier assigned a junior employee to the position of Signal Technician on September 1, 1990, after preventing Claimant from bidding on the position.

The record developed on the property shows that Signal Technician positions were bulletined twice in May 1990; Claimant did not bid for the position on either occasion. Another Signal Technician position was bulletined in August 1990, which Claimant did not bid on because he was off on personal business. When Claimant returned to work in early September 1990, he had the right to displace the incumbent of a Signal Technician position, but chose not to do so, instead bumping another Signaller.

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There is nothing in the record to indicate that the Carrier prevented Claimant from exercising his rights at any point. After reviewing the entire record in this matter, we conclude that the claim must be denied.

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 3rd day of February 1993.