

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISIONAward No. 30031
Docket No. MW-29305
94-3-90-3-219

The Third Division consisted of the regular members and in addition Referee Charlotte Gold when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(
(Union Pacific Railroad Company (former
(Missouri Pacific Railroad Company)

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

- (1) The Agreement was violated when the Carrier failed and refused to permit Machine Operator Helper E. J. Williams to displace junior employe D. B. Begay at Sedalia, Missouri, beginning December 7, 1988 (Carrier's File 890279 MPR).
- (2) As a consequence of the aforesaid violation, Mr. E. J. Williams shall be compensated for all straight time and overtime wage loss suffered beginning December 7 and continuing through December 16, 1988."

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 employe 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.

At issue in this claim is Carrier's denial of Claimant's request to displace a junior Machine Operator Helper performing temporary unbulletined extra work between December 7 and 16, 1988, in Sedalia, Missouri. Claimant's position was abolished. Under Rule 2(f), he was required to displace a junior employe within 20 calendar days. His seniority was not sufficient to allow him to displace onto a regularly assigned position.

This Board has thoroughly reviewed the record of this case and finds it to be on all fours with the facts of those in Third Division Award 29889 involving the same parties. In that decision, the Board concluded that

"The issue raised by this case have been resolved by Public Law Board 279 in Awards 425 and 426. In applying Rule 2(f), the Board held that displacement rights pertain only to junior employees assigned to regular positions. Since the junior employee the Claimant sought to displace in this case was holding a temporary or extra position he was not subject to displacement."

We so hold in the present case.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: Catherine Loughrin
Catherine Loughrin - Interim Secretary to the Board

Dated at Chicago, Illinois, this 17th day of February 1994.