

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISIONAward No. 30208
Docket No. MW-28533
94-3-88-3-354

The Third Division consisted of the regular members and in addition Referee Elliott H. Goldstein when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(National Railroad Passenger Corporation
(Amtrak) - Northeast Corridor

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

- (1) The Carrier violated the Agreement when, effective February 9, 1987, it awarded the B&B Foreman position advertised as position 01-ACLBB-0187 to junior employe D. Sandte instead of Mr. T. Douglas (System File NEC-BMWE-SD-1851).
- (2) As a consequence of the aforesaid violation, Mr. T. Douglas shall be compensated for all time that was or will be made by Mr. D. Sandte beginning February 9, 1987 and continuing until the violation is corrected."

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.

This case concerns the same Claimant, facts and issues as Third Division Award 30203; namely, Claimant disputes the award of a B&B Mechanic Foreman position at Egg Harbor, New Jersey, effective February 9, 1987, to a junior employee, D. C. Sandte. While the other case dealt with the non-monetary job award protest, the instant case pertains to the claim for compensation filed and progressed separately before this Board.

In the other case, we set forth our Findings and concluded that the Organization failed to prove an Agreement violation. That reasoning applies with equal force to the instant case.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:



Linda Woods - Arbitration Assistant

Dated at Chicago, Illinois, this 8th day of June 1994.