

NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISIONAward No. 30420  
Docket No. TD-30919  
94-3-92-3-777

The Third Division consisted of the regular members and in addition Referee Joseph A. Sickles when award was rendered.

PARTIES TO DISPUTE: (American Train Dispatchers Association  
(CSX Transportation, Inc.

STATEMENT OF CLAIM:

- "(A) CSX Transportation, Inc ('Carrier or CSXT') violated its Train Dispatchers' basic schedule agreement applicable in the Jacksonville Centralized Train Dispatching Center ('JCTDC') including Appendix 6 Section 3, and 4(a) thereof, when, it failed to use Claimant guaranteed assigned Train Dispatcher ('GATD') F. E. Thompson as the senior Extra Train Dispatcher to fill a temporary vacancy on 1st shift AN Desk, Job No. 201 at 0700 Hours on Monday July 29, 1991.
- (B) Because of the lost work opportunity resulting from said violation, CSXT shall now compensate Claimant GATD one day's pay at the rate applicable to AN Desk for July 29, 1991, in addition to any other compensation he may have received for this date.
- (C) CSX Transportation, Inc ('Carrier' or 'CSXT') violated its Train Dispatchers' basic schedule agreement applicable in the Jacksonville central train dispatching center ('JCTDC') including Appendix 6 Section 3, and 4 (a) thereof, when, it failed to use Claimant guaranteed assigned Train Dispatcher ('GATD') F. E. Thompson as the senior extra Train Dispatcher to fill a temporary vacancy on AP desk, Job No. 205 at 1500 hours on Saturday September 21, 1991.
- (D) Because of the lost opportunity resulting from said violation, CSXT shall now compensate Claimant GATD one day's pay at the rate applicable to any other compensation he may have received for this date."

**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 employee 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.

In one instance the Carrier used the Claimant's services on a 3:00 PM vacancy rather than a 7:00 AM vacancy, and in the second instance, he was used on an 11:00 PM vacancy rather than a 3:00 PM vacancy. It is asserted that this action resulted in a loss of compensation to the Claimant.

This Board is not the appropriate forum for a resolution of an "Hours of Service" controversy. But, in any event, we do not find a basis for relief in the cited Appendix 6. The Claimant received his basic pay under that Appendix. We do not find any provision in the Appendix which gives preference to this Claimant for choice of shifts vis-a-vis, the employees selected.

**AWARD**

Claim denied.

**O R D E R**

This Board after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Divisio

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