

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISIONAward No. 31106
Docket No. CL-31296
95-3-93-3-454

The Third Division consisted of the regular members and in addition Referee Elizabeth C. Wesman when award was rendered.

(Transportation Communications
(International Union
PARTIES TO DISPUTE: (
(Houston Belt & Terminal Railway Company

STATEMENT OF CLAIM: "Claim of the System Committee of
the Organization (GL-10972) that:

1. The Houston Belt & Terminal Railway Company violated the Rules Agreement effective April 15, 1972, as amended when it arbitrarily negotiated a separation allowance with an individual assigned to and performing a service coming under the scope of the clerical agreement.

2. The Houston Belt & Terminal Railway Company shall be required to afford clerical employee L. B. Chambers or the senior employee making application for a voluntary separation allowance which would be the greater of either \$30,000 or the amount afforded former clerical employee M. B. Griffin."

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.

Evidence on the record before the Board fails to support the Organization's claim. It is undisputed on the record that Ms. Griffin was not a member of the Organization at the time she accepted the "buy out," and had not been a member for more than 15

years prior to that. Moreover, even if, arguendo, Ms. Griffin had been a member of the Organization at the time of the buy out, the supplemental Voluntary Separation Program agreement between the Parties is silent with respect to the matter of seniority of employees offered separation allowances.

AWARD

Claim denied.

ORDER

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 Division

Dated at Chicago, Illinois, this 1st day of September 1995.