

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISIONAward No. 31213
Docket No. MW-31652
95-3-93-3-666

The Third Division consisted of the regular members and in addition Referee Robert L. Hicks when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(
(CSX Transportation, Inc. (former
(Seaboard System 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 list Mr. J.L. Golden ahead of Messrs. R.A. Cooper and S. Fate, Jr. on the 1992 System Production Gang Machine Operator Seniority Roster [System File JLG-93-85/12 (93-76)].
- (2) As a consequence of the violation referred to in Part (1) above, Mr. J.L. Golden shall be listed on the System Production Gang Machine Operator Seniority Roster ahead of Messrs. R.A. Cooper and S. Fate, Jr."

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.

Claimant contends that his listing on the System Production Gang Machine Operator Roster (hereinafter referred to as the SPG Roster) is incorrect.

It is argued that Claimant had established a Machine Operator Helper date prior to employees Cooper and Fate and when listed on the SPG Roster as a Machine Operator, he should have been listed ahead of those two employees.

This cannot be done. The SPG Agreement is clear on this point. It states, in clear and unambiguous language in Section 1 B. that:

"Where two or more employees have the same seniority date in any classification listed above, they shall be ranked and listed in alphabetical order of their surnames on the respective roster."

The Claimant and the two others named in the claim all established Machine Operator seniority as of October 1, 1979.

Pursuant to the aforequoted language, the Claimant's ranking relative to Messrs. Cooper and Fate on the SPG Roster was correct.

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 November 1995.