

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 32264
Docket No. TD-32786
97-3-96-3-103**

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

**(American Train Dispatchers Department/International
(Brotherhood of Locomotive Engineers
PARTIES TO DISPUTE: (
(Burlington Northern**

STATEMENT OF CLAIM:

“(a) The Burlington Northern Railroad Company (hereinafter referred to as the carrier) violated the current effective agreement between the Carrier and the American Train Dispatchers Department, (hereinafter referred to as the organization) Article 2(e) in particular when on June 13, 1994 it required dispatcher H. E. Beam to work a position other than the one obtained in the exercise of seniority.

(b) The Carrier shall now compensate dispatcher H. E. Beam the difference between eight (8) at the straight time rate and eight (8) hours at the overtime rate.”

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 were given due notice of hearing thereon.

The facts are similar and the issue involved in this matter is identical to that decided by the Board in Third Division Award 32263. Our Findings and Award there control here.

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 7th day of October 1997.