

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 33985
Docket No. CL-34777
00-3-98-3-428**

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

PARTIES TO DISPUTE: (
(Transportation Communications International Union
(National Railroad Passenger Corporation (AMTRAK)

STATEMENT OF CLAIM:

“Claim of the System Committee of the Organization (GL-12067) that:

- (a) Please consider this as a claim of the District 1089 Protective Committee on behalf of Linda Ignacio. The Carrier has violated the current Rules Agreement between the National Railroad Passenger Corporation and the Transportation - Communications International Union, particularly but not limited to Article III, Section 3, para (b) of the September 2, 1994, Agreement.**
- (b) By Special Notice included in Northeast Corridor (NEC) Seniority District Four Bulletin 96-13 the Carrier advertised to TCU employees within NEC Seniority District Four a vacancy in position TA-801, Lead Ticket Clerk, Route 128 Station - Westwood, MA. In spite of Ms. Ignacio's job experience and qualifications the Carrier arbitrarily and capriciously awarded this position to Sandy Stewart, an employee whose seniority is held in the Eastern Region, Seniority District Number VII.**
- (c) Ms. Ignacio was one of several employees submitting a job opportunity application for this position. Ms. Ignacio is presently the incumbent of position TC-411. Ticket Clerk, New London, CT and has worked as a Ticket Clerk for approximately seven years during which time as an Extra Board Employee, Ms. Ignacio was required to cover the positions of Lead Ticket Clerk, New London and Kingston. Also as an Extra Board Employee she was required to cover the Accounting/Ticket Clerk's position in Providence**

Station. Ms. Ignacio's job experience more than parallels the primary duties stated in this notice, it outlines her career thus far with this company.

- (d) Therefore claim is made on behalf of Linda Ignacio for eight (8) hours pay plus \$4.00 (Lead Clerk's differential) for each day Ms. Ignacio is held off this position for the time period beginning Monday, July 1, 1996 and continuing thru Friday, August 23, 1996.
- (e) This claim is presented in accordance with the current Rule Agreement, is in order and should be allowed.

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.

This is a companion case to Third Division Award 33984. For the reasons set forth in those findings, this claim is sustained.

AWARD

Claim sustained.

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ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) be made. The Carrier is ordered to make the Award effective on or before 30 days following the postmark date the Award is transmitted to the parties.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Dated at Chicago, Illinois, this 28th day of March, 2000.