

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 35820
Docket No. MS-36231
01-3-00-3-421**

The Third Division consisted of the regular members and in addition Referee Rodney E. Dennis when award was rendered.

(Sidney Hooser
PARTIES TO DISPUTE: (
(CSX Transportation, Inc. (former Chesapeake and
(Ohio Railroad)

STATEMENT OF CLAIM:

- “(1) The Carrier has violated Scope Rule 1 and others of the C&O General Agreement, when it began to use Mr. Alex Chandler and others to sort, distribute, collect and apply postage to the mail in Baltimore, MD.**

In October 1997 Intercarrier Revenue, Property Accounting, Car Acct. and Administrative Services was transferred to Jacksonville, FL. (CSXT Agreement 6-049-97). At that time Record & Mail Clerk Position 0215-103 was abolished and Mr. Chandler was brought in as a Accu Staff temporary employee to assume the majority of the mail duties for CCSI, Baltimore Service Lane and Professional Services.

- (2) This claim is for a days pay at Record & Mail Clerk rate effective August 24, 1998 and continuing each day until this work is returned to C&O District 3 in Baltimore and put under the jurisdiction of the C&O General Agreement.**
- (3) Also in dispute is a waiver of the 60 day time limit, which would make this claim effective October 27, 1997.**

On October 27, 1997 CSXT moved 25 Division Clerk jobs to Jacksonville. 24 of these jobs were filled by new employees under Side Letter 8 to CSXT Agreement 6-049-97. These new employees could not be displaced until October 28, 1998.

If for any reason, valid or not, CSXT abolished my job as a Division Clerk, I would have been unable to displace any of the 24 Division Clerks hired by CSXT in November 1997. This claim was filed at the earliest date possible and still maintain my displacement rights.”

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 Board reviewed the Submissions of the parties in detail. It considered all of the many arguments on numerous points presented by both parties. As a result of that review, the Board concludes as follows:

(1) The disputed C&O work formerly performed by Mail and Records Clerk Position No. 0215-103 ceased to exist after all departments that utilized the services of the position were transferred to Jacksonville, Florida.

(2) The mail handling work performed by A. Chandler (a temporary employee) was for CCSI, a separate company, and had nothing to do with the Carrier. The remaining Carrier Departments in Baltimore handled their own mail.

While there are other arguments presented in the Carrier's Submission (such as an improper Claimant and a timeliness issue), the Board does not see the necessity to address those at this time. The claim is denied due to the lack of merit.

Form 1
Page 3

Award No. 35820
Docket No. MS-36231
01-3-00-3-421

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 14th day of November, 2001.