

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 36152
Docket No. CL-36801
02-3-01-3-359**

The Third Division consisted of the regular members and in addition Referee Rodney E. Dennis 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-12747) that:

- (1) Carrier violated the Agreement Friday, February 11, 2000 when it failed to properly assign the Extra Board to a vacant position vacated by the incumbent, which in turn violates the rights of an incumbent to work his position which he would have been available for had the original position been filled properly.**
- (2) Carrier shall now be required to compensate David Borden one day's pay at his protected straight-time rate (\$17.00 per hour) for Friday, February 11, 2000 which he would have received had he been properly called and utilized for position RC812, hours of assignment 11:30 pm to 8:30 am.**
- (3) Carrier shall now be required to compensate Michael Mirabella (incumbent BG833) one-day's pay at the time and one-half rate of his protected rate (\$17.00 per hour) for Saturday, February 12, 2000, which he would have received had he been properly called."**

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.

Based upon a review of the record before the Board, we conclude that the Organization's position in this instance is correct and that the claim should be paid. The Board therefore directs that the Claimants each be paid eight hours at the straight time rate as a resolution of this dispute.

AWARD

Claim sustained in accordance with the Findings.

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 20th day of August 2002.