

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 36924
Docket No. CL-37440
04-3-02-3-493**

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-12914) that:

Carrier violated the BRAC/NRPC Agreement of July 27, 1976, in particular, Rules 4-A-1 and Appendix E, Extra List Agreement, when it allowed, permitted and/or required a junior employee to work an overtime assignment and failed to call and use the Claimant who was senior, qualified and available to work.

On February 4, 2001, the Carrier allowed, permitted and/or required Bonnie Papleo, Roster number 796, Position number 1B, to work an overtime position as a Crew Dispatcher, in the Crew Management Department, 15 South Poplar Street Wilmington, DE from 3PM - 11PM.

The Carrier failed to call and use Lisa Marti, Roster number 852, Position number 1B, who was senior, qualified and available to work.

The claim is filed on behalf of TCU for 8 hours of pay at the overtime rate for Lisa Marti as a penalty the Carrier violated the above-mentioned agreement.

Claim is filed in accordance with Rule 7-B-1, 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.

At the time of this dispute on February 4, 2001, the Claimant Ms. Lisa Marti was a Crew Dispatcher at Wilmington, Delaware. A Crew Dispatcher vacancy on the 3:00 P.M. to 11:00 P.M. shift needed to be filled in the Crew Management Department. The Crew Caller made two calls to the Claimant to assign the vacancy to her. The first call to the Claimant's primary number resulted in a busy signal. The second call was made to the Claimant's secondary telephone number of record and a message was left. With no immediate response from the Claimant, the Crew Caller proceeded to make calls to fill the vacancy. Bonnie Papleo, a Crew Dispatcher junior to the Claimant, was forced to fill the position.

The Organization filed a claim alleging that the Claimant had been improperly passed over because the Crew Caller did not make a reasonable effort to contact her before she attempted to call other employees.

The Board reviewed the record and has concluded that the Crew Caller made calls to the Claimant utilizing two phone numbers of record. The Board can find nothing in this record to support the claim that this was not a reasonable effort to contact the Claimant.

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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 22nd day of March 2004.