

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 43465
Docket No. MW-43767
19-3-NRAB-00003-160559**

The Third Division consisted of the regular members and in addition Referee David P. Twomey when award was rendered.

**(Brotherhood of Maintenance of Way Employees Division -
(IBT Rail Conference**

PARTIES TO DISPUTE: (
(CSX Transportation, Inc.

STATEMENT OF CLAIM:

“Claim of the System Committee of the Brotherhood that:

- (1) The Agreement was violated when the Carrier, beginning November 10, 2014 and continuing, failed to properly advertise the plumber’s position on Gang 6P96 and instead allowed junior employe M. Anastasoff to fill the position instead of Senior Plumber E. Klocko (System File H45416914/2014-180287 CSX).**
- (2) As a consequence of the violation referred to in Part (1) above, the Carrier shall compensate Claimant E. Klocko for all hours worked by employe M. Anastasoff while filling the plumber’s position on Gang 6P96.”**

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.

On the Hocking Seniority District of the Chicago Division, plumber work belongs to the Sheet Metal Air Rail and Transportation Union (SMART). The Carrier needed to create a new plumber position on this district. A job advertisement was posted but received no qualified SMART Union bidders. Due to lack of successful SMART bidders, the position was filled through the external hiring process, but during the interim period, M.R. Anastasoff, who had plumber seniority under the BMW, was awarded the job as the successful bidder. Mr. Anastasoff was awarded the job temporarily until a new hire could be trained. In the case before this Board, the Claimant, Mr. E.A. Klocko, a more senior BMW employee who did not bid the job filed the instant claim seeking to prevail over the junior BMW employee, Mr. Anastasoff, who bid for and was awarded the job. We find that Mr. Klocko does not have BMW Agreement support, nor did he have a demand right to the work in this case. We shall deny this claim.

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 1st day of March 2019.