

**NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION**

**Award No. 44322  
Docket No. MW-44919  
21-3-NRAB-00003-180380**

**The Third Division consisted of the regular members and in addition Referee Brian Clauss when award was rendered.**

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

**PARTIES TO DISPUTE: (**  
**(Connex Railroad LLC**

**STATEMENT OF CLAIM:**

**“Claim of the System Committee of the Brotherhood that:**

- (1) The Carrier violated the Agreement when it failed to offer Mr. R. Bazin preference for a temporary vacancy on November 28, 2016 (System File N77100916 CNX).**
- (2) The claim as presented by Vice Chairman N. Trawick, by letter dated December 22, 2016, to Division Engineer/General Manager N. Blaize shall be allowed as presented because said claim was not properly denied per the requirements of Rule 20(a).**
- (3) As a consequence of the violations referred to in Parts (1) or (2) above, the Carrier shall compensate Claimant R. Bazin five (5) hours at his applicable overtime rate of pay.”**

**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 Organization has filed a claim for five hours overtime alleging that the Carrier failed to offer a temporary vacancy to the Claimant. The Organization further claims that the claim should be sustained because the Carrier did not respond to the claim within the timelines of Rule 20(a). The Carrier should now be barred from responding to the claim. The Carrier responds that the claim should be denied.

The Third Division has reviewed the evidence in the instant matter. The record establishes that a claim was submitted and received by the Carrier. The Carrier did not respond to the claim within the time requirements of Rule 20(a). By operation of Rule 20(a), the claim is granted.

Claim sustained in accordance with the Findings.

**AWARD**

Claim sustained.

**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 6th day of January 2021.