

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 44351
Docket No. MW-45694
21-3-NRAB-00003-190574**

The Third Division consisted of the regular members and in addition Referee Kathryn A. VanDagens when award was rendered.

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

PARTIES TO DISPUTE: (

**(National Railroad Passenger Corporation (AMTRAK) –
(Northeast Corridor**

STATEMENT OF CLAIM:

“Claim of the System Committee of the Brotherhood that:

- (1) The Agreement was violated when the Carrier failed to allow Mr. J. Kralle to exercise his seniority and displace a junior Bridge and Building (B&B) employe on Gang O-423 headquartered in Morrisville, Pennsylvania on April 5, 2018 (System File NEC-BMWE-SD-5687 AMT).**
- (2) As a consequence of the violation referred to in Part (1) above, Claimant J. Kralle shall now ‘... be compensated for the difference in rate from B&B Mechanic to B&B Plumber for all hour (sic) worked and all overtime at time and one half that Mr. Kralle would have been entitled to as a Plumber in Gang O-423.’”**

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 Claimant has established and maintains seniority within the Maintenance of Way and Structures Department. On April 10, 2018, the Claimant attempted to make a seniority displacement into a B&B plumber position on Gang O-423 headquartered in Morrisville, Pennsylvania. The Carrier did not permit the Claimant to exercise his seniority rights and displace into this B&B plumber position.

On May 14, 2018, the Organization presented a claim to the Carrier and asserted that it had violated the Agreement when it failed to allow the Claimant to exercise his seniority and displace the junior B&B plumber. By letter dated May 29, 2018, the Carrier denied the claim. The parties were unable to resolve this matter on property and it is properly before this Board for final adjudication.

In June 2018, the Claimant accepted the assignment of ET Lineman, earning more money than he would have had he displaced into the B&B plumber position. Thereafter, on September 25, 2019, Amtrak notified the Claimant that it would pay this claim for the time period between April 2, 2018 and June 4, 2018. With the payment, Amtrak considered the case closed in its entirety. The Carrier contends that to the extent a violation occurred, the Claimant has been made whole.

This Board has carefully reviewed the record and determined that the claim has been paid as presented and that there is no dispute that the Claimant was compensated for the difference in rates from B&B Mechanic to B&B Plumber for all hours worked and all overtime paid. Despite assertions to the contrary, the Claimant is entitled to no further relief from this Board. The claim must be denied.

AWARD

Claim denied.

**Form 1
Page 3**

**Award No. 44351
Docket No. MW-45694
21-3-NRAB-00003-190574**

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 6th day of January 2021.