

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 45050
Docket No. MW-46905
23-3-NRAB-00003-210869**

The Third Division consisted of the regular members and in addition Referee Elizabeth C. Wesman when award was rendered.

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

PARTIES TO DISPUTE: (

(Springfield Terminal Railway Company

STATEMENT OF CLAIM:

“Claim of the System Committee of the Brotherhood that:

- (1) The Agreement was violated when the Carrier wrongfully assigned Work Equipment Repairman K. Schneider to work overtime in Billerica, Massachusetts, outside of his home System Seniority Zone 9, on December 24, 2019 without first offering the overtime to Trackman A. Howe, who was fully qualified as a WER and held seniority on the WER roster.**
- (2) As a consequence of the violation referred to in Part (1) above, Claimant A. Howe Schneider shall now ‘*** be compensated seven (7) hours at the WER time and one-half rate of pay as well as all credits for vacation and all other benefits for the date claimed for his lost work opportunity. ***’**

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 instant case is a companion case with Docket No. 46905. The Claimant in this is Trackman Mr. A. Howe. As the Board noted in the previous case, the Carrier has amply demonstrated that the Claimant herein was not qualified as a Work Equipment Repairman and had specifically informed Carrier that he had no interest in becoming qualified. Accordingly, the Claimant in the previous case was, in fact, the most junior employee WER-qualified and, as such, was properly forced to cover the WER position at issue.

Thus, the instant claim is denied in its entirety.

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 7th day of September 2023.