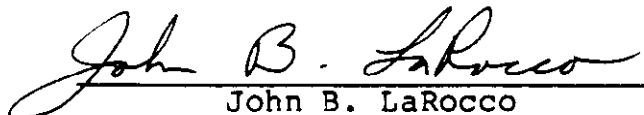


duties and paid the same monthly rate as the abolished job. Instead of accepting Carrier's offer to occupy the new Compliance Examiner position, Claimant exercised his seniority to a Lead Accounts Receivable Clerk position in the Disbursement Accounting Department, paying a daily rate of \$108.91. Since his new daily rate was less than his protected rate, Claimant submitted a protective benefits claim for the difference. Citing Article IV, Section 3 of the February 7, 1965 Agreement as amended, the Carrier denied Claimant's claim because he voluntarily bid into a lower rated position.

This Board previously considered and adjudicated an identical dispute in Award No. 447. After reviewing the record herein, we do not find any evidence to justify an outcome different from the result we reached in Award No. 447. For the reasons more fully set forth in Award No. 447, we must deny this claim.

AWARD

The Answers to Questions 1, 2 and 3 are "No."



John B. LaRocco
Neutral Member

Dated: July 29, 1987

SPECIAL BOARD OF ADJUSTMENT NO. 605

PARTIES) Brotherhood of Railway, Airline and Steamship
TO THE) Clerks, Freight Handlers, Express and Station
DISPUTE) Employees
) and
) The Atchison, Topeka and Santa Fe Railway Company

QUESTIONS AT ISSUE:

1. Did Carrier violate the provisions of the February 7, 1965 Mediation Agreement, as amended, when it suspended the protective status of G. D. French?
2. Shall Carrier now be required to restore G. D. French's protective status to the rate of Disbursement Accountant-PADO Position No. 3005?
3. Shall Carrier now be required to pay 18% per annum interest on the amounts wrongfully withheld beginning thirty (30) days after the date of claim?

OPINION

OF THE BOARD: On August 1, 1984 Claimant was regularly assigned as a Disbursement Accountant, a PADO position with a monthly rate of \$2,912.95. Subsequently, Carrier reorganized its Accounting Department by merging part of the Disbursement Accounting Department into a new Compliance Examination Department. The new subdepartment was established in accordance with an August 14, 1984 Memorandum of Agreement. Item 3 of that Agreement provided that the initial staff of the new Compliance Examination Department would be partially comprised of the occupants of abolished Accounting Department positions. On or about August 31, 1984, Claimant's Disbursement Accountant Position No. 3005 was abolished and re-established as Compliance Examiner Position No. 3001. The new position involved the same