

Award No. 9
Case No. 10

Public Law Board No. 3514

PARTIES
TO
DISPUTE:

Brotherhood of Maintenance of Way Employes
and
Consolidated Rail Corporation

STATEMENT
OF
CLAIM:

Grievance by Trackman J. K. Johnson alleging that he was deprived of work and pay by an illegal bump on a trackman position.

FINDINGS:

Claimant, a furloughed employee, applied for one of the trackmen positions advertised on April 12, 1982. He was one of the four applicants awarded those positions. He was also the most junior of those four trackmen.

When claimant reported for service on April 26, 1982, he was told that he had been awarded the position erroneously since Rule 3 Section 3(c) provides as follows:

"Application for new positions or vacancy advertised under this rule may only be made by active employees."

A corrected award was subsequently issued that awarded the position in question to A. C. Grimes, also a furloughed employee, but senior to claimant.

While we can appreciate claimant's feelings in the matter and his sense of frustration, Carrier has no alternative but to adhere to the terms of the controlling Agreement, one of the provisions of which is the above quoted Rule 3 Section 3(c). The claim must be denied since it is without basis in the Agreement.

AWARD:

Claim denied.

Adopted at Philadelphia, Pa., July 12, 1984.



Harold M. Weston, Chairman

Carrier Member

Employee Member