

AWARD NO. 57
Docket No. 57

SPECIAL BOARD OF ADJUSTMENT NO. 279

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES
versus
MISSOURI PACIFIC RAILROAD COMPANY

STATEMENT
OF CLAIM:

Claim of the System Committee of the Brotherhood that:

- (1) The Carrier violated the Agreement by failing to assign B&B Foreman S. C. Morris to position of Relief Foreman, Gang No. 2, during the period December 8 through 29, 1958, at Freeport, Texas.
- (2) Claimant B&B Foreman S. C. Morris be now allowed \$51.25 as his expenses incurred for meals during the month of December 1958, on account of the Carrier's violation of the Agreement referred to in part 1 of this claim.

FINDINGS: This situation is governed by Section 12(b) of the Vacation Agreement because it provides that absences from duty while on vacation will not constitute vacancies in positions under any Agreement. While a bulletin was posted, it is to be noted that it did not advertise any positions but advertised "Three weeks vacation relief work" available as foremen on two system bridge gangs at the same time. Claimant applied for both, listing the relief work on System B&B Gang No. 2 as his first choice. He was assigned to the other work and the work shown as his first choice was assigned to an applicant from that gang who was familiar with the work in progress and could handle the same more efficiently.

Section 12(b) also provides that when the position of a vacationing employee is to be filled and a regular relief employee is not utilized "efforts will be made to observe the principle of seniority." This is not a requirement that the senior applicant be used in all cases, and in view of the circumstances here shown, we find no violation thereof.

AWARD: Claim denied.

SPECIAL BOARD OF ADJUSTMENT NO. 279

(s) Dudley E. Whiting
Dudley E. Whiting - Chairman

(s) A. J. Cunningham
A. J. Cunningham - Employee Member

(s) G. W. Johnson
G. W. Johnson - Carrier Member

St. Louis, Missouri
August 9, 1962
File BMWE 37-58