

PROCEEDINGS BEFORE SPECIAL BOARD OF ADJUSTMENT NO. 1016

AWARD NO. 64

Case No. 64

Referee Fred Blackwell

Carrier Member: J. H. Burton

Labor Member: S. V. Powers

PARTIES TO DISPUTE:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

vs.

CONSOLIDATED RAIL CORPORATION

STATEMENT OF CLAIM:

Claim of the System Committee of the Brotherhood that:

(1) The Agreement was violated when the Carrier failed to properly post Advertisement Nos. 311-84-1W and 320-84-1W dated March 26, 1984 on the Columbus Division (System Dockets CR-2289, CR-2290, CR-2292, CR-2293 and CR-2294).

(2) As a consequence of the violation referred to in Part (1), Claimants T. A. Metz, R. E. Spicer, M. Cain, J. C. Langley and M. L. Nooks shall each be allowed a seniority date as a welder on the Inter-Regional District No. 3 Seniority Roster in accordance with their pertinent respective seniority dates on their home seniority district.

FINDINGS:

Upon the whole record and all the evidence, and after hearing on December 17, 1990, in the Carrier's Office, Philadelphia, Pennsylvania, the Board finds that the parties herein are Carrier and Employees within the meaning of the Railway Labor Act, as amended, and that this Board is duly constituted by agreement and has jurisdiction of the parties and of the subject matter.

DECISION:

Claim Sustained.

**FRED BLACKWELL
ATTORNEY AT LAW**

**P.O. BOX 6095
WEST COLUMBIA,
S.C. 29171
(803) 791-8086**

OPINION

The Claimants allege that the Carrier failed to post advertisements for Welder positions on Inter-Regional District No. 3, on the Carrier's Columbus and Southwest Divisions; and that, in consequence, the Claimants did not have opportunity to submit bids on the Welder positions which were ultimately awarded to Employees junior in seniority to the Claimants.

The statements of the Claimants in the Organization's submission assert that the advertisements in question were not posted at their respective headquarters on the Columbus and Southwest Divisions. The Carrier submits that the proper postings of the advertisements is indicated by the fact that seventeen (17), and three (3), of the successful applicants for the positions were from the Columbus and Southwest Divisions, respectively. The record does not contain any statements from administrative personnel at the pertinent headquarters points, concerning the posting of the advertisements in question.

* * * * *

The preponderating evidence of record established that the advertisements in question were not posted at the Claimants' headquarters on the Columbus and Southwest Divisions. A sustaining award is thus in order and the Carrier will be directed to allow the Claimants appropriate seniority dates on the Inter-Regional District No. 3 Seniority Roster.

AWARD:

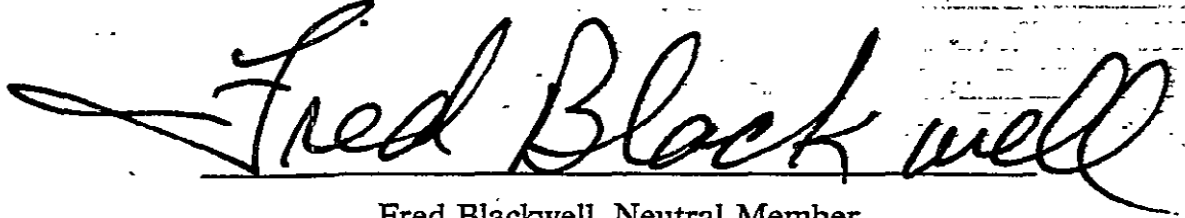
The claim is supported by the record. Accordingly, the claim is sustained as stated in the Opinion.

FRED BLACKWELL
ATTORNEY AT LAW

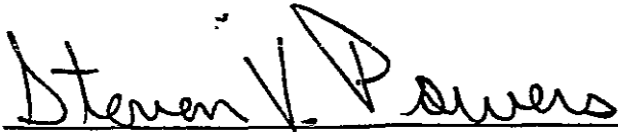
P.O. BOX 6095
WEST COLUMBIA,
S.C. 29171
(803) 791-8086

SBA No. 1016 / Award No. 64 - Case No. 64

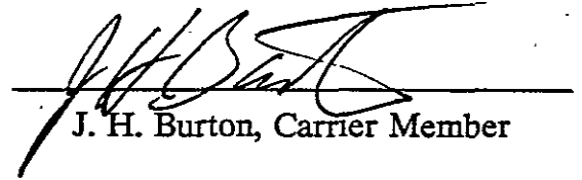
BY ORDER OF SPECIAL BOARD OF ADJUSTMENT NO. 1016



Fred Blackwell, Neutral Member



S. V. Powers, Labor Member



J. H. Burton, Carrier Member

Executed on 3/24, 1993

Conrail\1016\64-64.218

FRED BLACKWELL
ATTORNEY AT LAW

P.O. BOX 6095
WEST COLUMBIA,
S.C. 29171
(803) 791-8086