

Award No. 130

Case No. 210

PARTIES TO DISPUTE:

St. Louis - Southwestern Railway

and

Brotherhood of Maintenance of Way Employees

STATEMENT OF CLAIM:

- "I. Carrier violated the Maintenance of Way Agreement, especially but not limited to Rule 2-2 - Seniority, Rule 5-1(a) and (b) - Promotions and Transfers, Rule 5-4(a), and Rule 5-5, and Addendum No. 7, when it assigned position of Foreman to M. A. Zimmerman which should have been assigned to Mr. L. D. Nelson on Extra Gang No. 40, on September 9, 1975.
- "II. Assistant Track Foreman L. D. Nelson be allowed the difference in pay rate allowed as Assistant Foreman and rate applicable to Foreman's position beginning September 9, 1975, until date that he is assigned as Track Foreman."

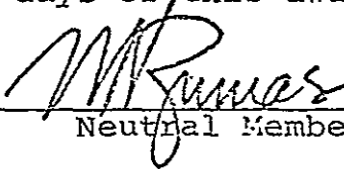
FINDINGS:


This is a companion case to that in our Award No. 122 where the Board sustained the claim on the grounds and for the reason that Carrier failed to show that Claimant had insufficient ability to perform the work of Assistant Foreman.


On the basis of our finding in Award No. 122, this claim must be sustained.

AWARD

Claim sustained. Carrier is directed to make payment within 30 days of this award.


Neutral Member


Carrier Member


Organization Member


Date